

# THE LAW OF TESTAMENTARY ESTATE, OR, A TREATISE ON THE LAW OF TESTAMENTARY ESTATE,

*SHewing*, how within the said Dominion was, before the passing of the late Act of Parliament, a Person capable by Law, to purchase the said Estates to him, and his Heirs.

Fairly STATED and CONSIDERED.

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By a GENTLEMAN OF LINCOLN'S INN,

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*Qui patuit aliqd, parte inuidit aliquid  
Equum licet panem, non equus fuit.*

London, MDCCLIII.

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L O N D O N :

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# THE QUESTION,

WHETHER

**A JEW**, born within the *British Dominions*, was, before the making the late Act of Parliament, a Person capable, by Law, to purchase and hold Lands to him, and his Heirs; fairly stated and considered.

**T**HE Propriety or Impropriety of the Act, which passed the last Session of Parliament, relating to *Jews born in foreign Countries*, depending, in a great measure, on the Knowledge of what Civil Rights *Jews born here* were, by Law, then intitled to; an Inquiry into this Matter, if conducted with Decency and Candour, cannot be displeasing to the Publick. The Author, in the following Sheets, will endeavour to explain how the Law stood at the time the Act passed; that being the *true Period*, to which, he apprehends, the Question is properly confined: But, as most of the Writers on this interesting Subject have taken into their Consideration the Condition the *Jews* were in in *England* before their Banishment in the time of *Edward the Ist*, it will be necessary to trace it as far back as the publick Records, or antient Historians, of those Times, give any Account thereof: If, upon that Inquiry, it should appear, which the Author apprehends it will not, that the *Jews* were not, at that time, intitled to purchase and hold

Estates to them, and their Heirs ; it would not from thence follow, that they are not, at this time, intitled to that Privilege : The Liberties of the Subject have been greatly altered since that Period ; many things, that were then unlawful, are not deemed to be so now ; and the Evening Declaimers against the Act in question will readily agree with him, that many things that were then practised, as agreeable to Law and the Prerogative, ought not to take place in these happy Times of unconfined Liberty and Licentiousness.

The modern Licence of treating the Characters and Actions of Bishops, and other religious Persons, with an indecent Freedom, was practised in those early Times ; but, instead of the happy Impunity with which it is now used, it was then very penal ; as appears from the following Record, transcribed from the Close-Rolls of King John, in the Tower :

‘ Rex Vicecom.’ Præcipimus tibi, quod clamari facias,  
 ‘ sine dilatione, per comitatum tuum, Quod nulli, sicut  
 ‘ diligunt corpora et catalla sua, malum faciant vel dicant  
 ‘ viris religiosis vel clericis, contra pacem nostram ; et, si  
 ‘ quem inde attingere possimus, ad proximam quercum cum  
 ‘ suspendi faciemus. Teste meipso, apud Marlebergh, 11°  
 ‘ die Aprilis, A° 9° ”.—That is,

‘ The King to the Sheriff of, &c.—We command you,  
 ‘ That, without Delay, you make Proclamation through  
 ‘ out your County, That none, as they value their Bodies  
 ‘ and Estates, do to, or speak any Evil of, religious  
 ‘ Persons, or Clerks, against our Peace ; and that, if we  
 ‘ meet with any one that shall so offend, we will cause him  
 ‘ to be hanged up on the next Oak. Witness ourself, at  
 ‘ Marlebergh, the 11th April, in the 9th Year of our  
 ‘ Reign.”

The Advocates for the Act permitting Jews to apply to Parliament to be naturalized insist, That it gives no new or greater Privilege to the foreign Jew to be naturalized by it, than every Jew born here was before, by Law, intitled to, and in the quiet Possession of ; and, for this Pur-

\* Rot. Claus. 9. Joh. m. 3.

pose, they insist, that a Man born within the British Dominions, of Parents who reside there, either with the special or implied Licence of the Crown, let their Religion be what it will, are, by Law, natural-born Subjects; and that, consequently, the Jews born within the King's Dominions are such.

The Persons who take the other Side of the Question, do not agree with each other in their Objections, which makes it necessary to state them separately.

1. It is insisted, That the Proposition, ‘That a Jew born within the British Dominions was a natural-born Subject, is entirely new, and never, till lately, established by our Lawyers.’

2. Others admit, ‘That a Jew born either here or beyond Sea may purchase a Land-Estate; but that he can hold it any longer than the King pleases, they insisted, never was, nor is, the Law of this Kingdom; and that it is now, and always has been, the common Law of England, That a Land-Estate purchased by a Jew belongs to, and may be seized by, the King—That William the Conqueror, and his Successors, often seized upon the Lands mortgaged to the Jews, and disposed of them, without their Consent; and a Law of Edward the Confessor, by many Authors esteemed to be spurious, but, at the very best, of doubtful Authority, which declares, *That the Jews, and all they have, are the King's,* has been relied upon as declaratory of the common Law as to this Point; and that, by virtue thereof, every Jew, whether born here or abroad, and all that belongs to him, except what he may have in the Funds, is, at this time, the King's Property—A Law is said to be passed in the 54th H. III. Enacting, among other things, That no Jew shall have a Freehold in any Lands, Tenements, Hereditaments, or Rents issuing from them; and the Statute *De Judaismo* has been cited to prove their being incapable to purchase Lands.”

3. The

<sup>b</sup> This supposed Act of Parl. of 54 H. III. was never heard of till a few Years ago, that Dr. Tovey met with it in the Bodleian Library, in very suspicious

3. The *Evening Writers* insist, ‘ That the Right the Jews have exercised, of purchasing Land-Estates, has been done by Connivance, and only in consequence of the Opinions of certain Counsel who then practised at the Bar in *Westminster-hall*; their supposed Right never having been legally tried and determined in any Court; nor pretended to, before that time’ : That the Laws, as they now stand, allow them to be made *Denizens*; that is, they have been permitted to purchase Lands under a Royal Charter; and that they never did or could purchase but as *Denizens*: That Jews, and all other Infidels, are, in the Eye of the Law, *Aliens* in the highest Degree: *Perpetui inimici*, perpetual Enemies, says Lord Coke, in the 7th Volume of his Cases; for the Law presumes not they will ever be converted; for, between them, as with the Devils, whose Subjects they be, and the Christian, there is perpetual Hostility, and can be no Peace; and that, as such, they are, and ever were, incapable of purchasing within this Realm.’

Another of these *Evening Writers* expresses himself thus: ‘ Notwithstanding the Authority of Coke upon Littleton, taken Notice of in One of your former Papers, and what has been said in the *London Magazine*, of July last, in a Speech supposed to have been delivered by a Gentleman of the greatest Eminence in the Law, to prove, That, by the Common Law of England, the Jews have no Right to purchase Lands in this Kingdom, or to claim by Inheritance; it is, I find, still doubted by some, whether this Assertion is sufficiently supported. As a further Confirmation of it, these Gentlemen are desired to consult Maddox’s *History of the Court of Exchequer*; an Author spurious Company; it being bound up with Merlin’s Prophecies, and a Letter of Lucius, Procurator of the Roman People, to King Arthur.—It is called, in the MSS. *Breve Regis contra Judeos*—and is dated the 55th of Henry III.; and its Authority, as an Act of Parliament, it is apprehended, is fully refuted in the following Work.

26 June.

<sup>a</sup> L. E. 30 June.

<sup>c</sup> Mr. Maddox expressly says, That, by taking of Usuries and Mortgages of the King’s Subjects,

the

‘ Author of undoubted Authority, who sets the Affair in  
 ‘ a clear Light; and will remove all Occasions of Doubt-  
 ‘ fulness.

‘ All that is objected in Opposition to these Authorities,  
 ‘ is the Opinions of Counsel formerly taken. Upon what  
 ‘ Occasion those Opinions were given, is not mentioned;  
 ‘ nor a full and clear State of the Case laid before the  
 ‘ Publick: That the Cases urged are not the same with  
 ‘ that which is now in Dispute, is strongly suspected; be-  
 ‘ cause the supposed Speaker in the *Magazine* above re-  
 ‘ ferred to, is quoted as an Authority in Defence of the  
 ‘ Jews Right to make Purchases; which he there expressly  
 ‘ denies: To urge these Authorities, therefore, without  
 ‘ shewing the true State of the Case, as laid before them,  
 ‘ this Writer insists, is not to act fairly with the Publick;  
 ‘ nor doing Justice to those Gentlemen, who are said to  
 ‘ give their Opinions.’

The Curiosity of this *Evening* Writer shall be gratified; and the Cases and Opinions published; in doing which, such of the learned Persons, who are living, will excuse their Names being mentioned, which these *Evening* Writers rendered unavoidable.

4. The Writer of the Review of the proposed *Naturalization of the Jews*, thus states his Objections: ‘ Let us  
 ‘ examine now the Political Arguments made use of by  
 ‘ moderate People, who have declared for the Naturaliza-  
 ‘ tion of the *Jews*: Why should not, say they, the Father  
 ‘ enjoy what the Son already possesses? The latter, when  
 ‘ born in his Majesty’s Dominions, is a natural-born Sub-  
 ‘ ject, is a natural-born *Englishman*, and free to purchase  
 ‘ Lands. I apprehend, they mistake the Matter; and  
 ‘ that there is no such thing as a *natural-born English Jew*.  
 ‘ As to our Appeal to the Records of Hen. II. with regard  
 ‘ to their purchasing of Lands, I believe it will amount to no  
 ‘ more than a *Permission granted for that Purpose by a Royal  
 Charter*. We find the *Jews* totally expelled this King-

the *Jews* became very wealthy both in Money and Land; and the Re-  
 ‘ cords he has published establish the direct contrary of what he is here  
 referred to to prove.

Lond. Ev. 2 Oct. 1753.

‘ dom

dom from 1291 to 1655. I know not how far Lawyers may deem this Expulsion a Revocation of such Charter; but, surely, it can be no-ways obligatory to us, any otherwife than as we find it convenient. Perhaps, if we search the thing to the Bottom, we shall discover, that the Jews were only made *Denizens by that Charter*; and I am told, there is a very material Difference between a Denizen, and a natural-born Subject: A Denizen, as I understand, cannot legally inherit Land by Descent; but, particularly, a *Jewish* Denizen does not enjoy this Privilege, or I am grossly misinformed: Indeed, no Opposition has been made, in our time, to such Inheritance; nor do I apprehend there will: I have heard a Jew complain, That, as the Law now stands, his Brother's Estate, to which he is legal Heir, devolves to the Crown; thereby tacitly acknowledging the mistaken Notion, that a Jew born here is a natural-born Englishman.'

The Accounts published by this ingenious Gentleman, in his Travels, of the Constitution, Laws, and Manners, of other Countries, are, doubtless, drawn up with a Propriety and Accuracy superior to what the Knowlege he has shewn, in this Paragraph, of those of his own, would make one expect from him:— His surprising Discoveries, that there is a material Difference between a Denizen and a natural-born Subject, and that a Denizen cannot inherit Land by Descent, are certainly *true*: His Fancy, that the Jews were made Denizens by a Charter of Hen. II. is a Mistake.— His Conclusion, That, because a Jew, who is a Denizen, complained, that, as the Law now stands, his Brother's Estate, to which he apprehended himself the legal Heir, but which (they being both Denizens) will devolve to the Crown; that the Jew thereby tacitly acknowledged the Notion, that a Jew born here is a natural-born Subject, to be a Mistake; is absurd, and not deducible from the Premises.

5. The Writer of the Pamphlet, called, *A full Answer to a fallacious Apology*, from a Conviction, that the Jews supposed Incapacity to purchase Lands was not founded on the

the Common Law, candidly admits (Page 7.) , ‘ That in the time of Henry the Third the Jews were under no Restraint from purchasing Land-Estates ; but insists, that, in the 54th Year of that King’s Reign, they were restrained from doing it by an Act of Parliament, which, he says, is now in force : ’ He was led into this Mistake by trusting to the Authority of Dr. Tovey, in his *Anglia Judaica*, p. 188.

These are the principal Objections, which, as I recollect, have been insisted upon by the Writers against the Bill relative to the present Question.

In Reply to which, it is insisted, in favour of the Bill, — That there is neither Common or Statute Law to support what those who oppose it advance ; — That Jews born in England were not formerly, nor are now, considered as Aliens, or *perpetui inimici* to the Inhabitants and Laws of this Country ; but are now, and formerly were, Persons capable, by Law, to purchase and hold real Estates ; and that their Purchases made of late Years were made upon the Foot of their being natural-born Subjects, and not as Denizens, or in virtue of the King’s Letters Patents, or Charter of Denization.

In treating this *important* Question, the Author hath endeavoured to state Facts to the utmost of his Abilities, fairly, and as they are : If he is mistaken in any of his Conclusions, the Public will not be deceived ; they being in Possession of the Authorities from which those Conclusions are drawn. In a Cause thus agitated, it may be going too far to expect a dispassionate Inquiry at this time ; but, whatever be the Event, the Author will always have the Satisfaction of having endeavoured to contribute his Mite towards setting in a clear Light Facts, concerning which the Publick appear to have been neither fully or fairly informed.

As the Expressions *natural-born Subjects*, *Alien*, and *Denizen*, will be frequently made use of in considering the present Question, it may not be improper to ascertain their true and legal Meaning : A natural-born Subject, is one born within the King’s Liegeance, i. e. under the actual Obedience,

dience, and within the Dominions, of the King; *Ligeus* being ever taken for a natural-born Subject, *Co. Lit.* 129. a. 7. *Co.* 18. a. An Alien is one born out of the King's Liege-  
ance — A Denizen, in its strict legal Acceptation, is the same as *Ligeus, quasi deins née*; but, in its modern Accep-  
tation, implies one born an Alien, and denitzed by the King by his Letters Patents, *Co. Lit.* 129. a. If Aliens come into *England*, and live under the Protection of the Crown, and have Issue, such Issue are Subjects born, be-  
cause they are born within the Realm, *Co. Lit.* 8. a. 7. *Co.* 6. a. — And the Law-books make no Distinction as to this Matter, with respect to Religion: If an *Alien*, Chris-  
tian, or Infidel, purchase Houses, Lands, Tenements, or Hereditaments, to him, and his Heirs; albeit, in the No-  
tion of Law, he can have no Heirs, yet he is of Capacity  
to take a Fee-simple, but not to hold: For, upon an *Office*  
found, the King shall have it by his Prerogative. *Co. Lit.* 2.  
a. & b.

That Jews born in *England* were, before and in the Reigns of *Henry the IId*, *Richard the I<sup>st</sup>*, *King John*, and *Henry the IIId*, and now are, Persons capable of purchasing and hold-  
ing, to them, and their Heirs, real Estates, it is submitted,  
will appear from the following Authorities, and the uniform  
Opinion and Practice of the greatest Lawyers of this Coun-  
try, both antient and modern.

i. If the Jews had, by Law, been incapable to make such Purchases, *Ranulphus de Glanvoil*, who was Chief Justice of *England*, and wrote his Treatise *De Legibus et Con-  
suetudinibus Regni Angliae* in the Reign of *Henry the Second* — *Bracton*, who was also Chief Justice of *England*, and wrote his Treatise *De Legibus et Consuetudinibus Angliae* in the Reign of *Henry the IIId*, and the Author of *Fleta*, or *Commentarius Juris Anglicani*, which was wrote in the Reign of *Edward the First*, would probably have taken Notice of this Incapacity; the Subjects they severally, *ex professo*, treated of, led them naturally to it; and it is not easy to be conceived, that they would have omitted men-  
tioning it. — The Silence of these grave and cotemporary  
Authors,

Authors, on a Subject of this Nature, had it rested there, would have been material; and have made the Notion of its being prohibited by the Common Law of the Land, at least problematical.

No judicial Resolution antient or modern can be shewn to prove, that a *Jew* born in *England* is not to be considered as a liege or natural-born Subject. *Littleton*, or his Commentator, the Lord *Coke*, or any other Author, no-where advances it; and if it had been so either by the Common Law, or by Act of Parliament, Lord *Coke*, who very minutely treats of the different Kinds of Persons who by Law were incapable to purchase and hold Lands, or to take by Descent, would not have omitted mentioning it; and the rather, as he bore no Good-will to the *Jews*, and mentions them in his Works, on several Occasions, particularly *Co. Lit.* 31. a. 32. b.

*Witlaff* King of the *Mercians*, in the Year 833. granted a Charter to the Abbey of *Croyland*; which is set forth at large by *Ingulphus*, One of the Abbots of that Monastery; whereby he confirmed to the Monastery all *Lands and Tenements*, and other Grants, which his Predecessors Kings of *Mersia*, and their Nobles, or other Christians, or *Jews*, had granted, sold, or mortgaged, or in any other manner delivered, in perpetual Possession to the said Monks:—  
*Confirmo etiam dicto monasterio omnes terras et tenementa, possessiones, et earum peculia, et omnia alia donaria, quae Predecesores mei, Reges Merciorum, & eorum proceres, vel alii fideles Christiani, sive Judæi, dictis Monachis, dederunt vendiderunt, vel invadiaverunt, aut aliquo alio modo, in perpetuam possessionem tradiderunt*.

It has been insisted, That this Charter must certainly relate only to *converted Jews*; because none but a converted *Jew* would grant his Land to a Christian Monastery; but the Words of the Charter are, granted, sold, or mortgaged; and there could be no Impropriety for a *Jew* to sell or mortgage his Lands to a Monastery for a valuable Con-

\* *Ingulph.* p. 857.

deration ;— There are frequent Instances of real Estates being granted by Religious Houses to Jews.— It might, with more Appearance of Reason, be insisted, that by *fideles Judæi* was meant such as were natural-born Subjects, or who had been sworn in the Leet.

In the 35th Hen. II. Anno 1189. a final Concord was acknowledged, before *John Bishop of Norwich*, and *Ranulphus de Glanvil*, the King's Chief Justice, and others, in the King's Court, in a *real Action* depending before them, between *William de Curzon*, Plaintiff, and *Jornet*, a Jew, of *Norwich*, Terre-tenant of a Messuage, with the Appurtenances, in *Norwich*; whereby the said *William* granted the said Messuage, with the Appurtenances, to the said *Jornet*, and his Heirs, by the Service of Five Shillings yearly<sup>b</sup>.

In these early Times the Acknowledgement of Fines in real Actions was attended with more Solemnity than at present; it could not be done, as Lord *Coke* observes, but *ex consensu et licentia Domini Regis, vel ejus justiciariorum*<sup>c</sup>; and it may reasonably be supposed, that *Ranulphus de Glanvil*, who was at that time Chief Justice of *England*, would not have given a Sanction to this solemn Transaction, if a Jew, as the Law then stood, had been incapable to take and hold an Estate to him, and his Heirs.

*Braeton*, who wrote in the Time of H. III. in his Second Book *De acquirendo rerum dominio, Cap. 5. Sect. 6. Tit. Cui donari possit*, says, Jews are Persons capable to purchase—For, after enumerating some of those, by whom, and to whom, real and other Estates might be legally granted; he says, ‘Also a Grant may be made as well to religious Persons, as to others to whom one may grant; also to Jews as well as Christians, unless the Form of the Grant imports the contrary<sup>d</sup>: For Instance, ‘That it shall be lawful to the Grantee to grant away, or sell, the Thing granted to whom he please, except religious Persons.’

<sup>b</sup> This is printed at large in the Appendix, N° 1. <sup>c</sup> Co. Lit. 120. b.  
<sup>d</sup> Exceptions of this Kind, in Grants prohibiting the Grantee to convey to religious Persons. &c. were frequent. Vid. App. N° 7.

' sons, and Jews ;' and, that he should not grant it to them, as well as to any other, is supported by no Reason or Necessity, save only the Terms of the Grant<sup>1</sup>.

The uniform Practice of those early Times appears to have been agreeable to this Opinion of *Bracton*.

In the First Year of *Richard the First*, *Abraham* the Son of *Avigay*, a *Jew*, fined in a Mark of Gold, because it was not expressed, in a Deed from the Earl of *Arundel* to him, that the Manor of *Rowell* was mortgaged to him [*Vadium suum*], as it ought to have been<sup>2</sup>.

The First Article of the *Capitula de Judæis*, appointed to be inquired of in the Beginning of the Reign of *Richard the First*, runs thus : ' All the Debts, Mortgages, Lands, Houses, Rents, and Possessions, of the Jews, shall be registered<sup>3</sup>.

In the Ninth of King *Richard the First*, Anno 1199. a final Concord was acknowledged before *Simon de Patesbull*, and several other of the King's Justices, in a Cause depending before them between *Philip* Son of *Walter*, Plaintiff, and *Jacob*, a *Jew*, Son of *Samuel*, of *Northampton*, Terre-tenant of a Messuage, with the Appurtenances, in *Northampton*; whereby the said *Philip* granted the said Messuage, with the Appurtenances, to hold to the said *Jacob*, and his Heirs, in Fee and Inheritance (*sibi, et hereditibus suis, in feodo et hereditate*), paying Fourteen Pence annually to the Grantor, and his Heirs, in full of all Services<sup>4</sup>.

*Simon de Patesbull*, before whom this Fine is acknowledged, was in the Tenth Year of *Richard the First*, and,

<sup>1</sup> *Bracton*, Edit. 1569. Pa. 13. a. Item fieri poterit *donatio tam viris religiosis, quam aliis, quibus dari poterit*; item tam *Judæis* quam *Christianis*, nisi *modus donationis* inducat contrarium. Scilicet quod licitum sit donatorio rem datam dare vel vendere cui voluerit, exceptis viris religiosis, et *Judæis*; et, quod *talibus personis* dari non poterit, sicut aliis, nulla *ratio vel necessitas* illud inducit, nisi *tantum modus donationis*. <sup>2</sup> *Mag. Rot.* 1. R. 1. 13. b. printed in *Madd. Exch.* 156. c. <sup>3</sup> *Omnia debita et vadia Judæorum imbreventur, terræ, domus, redditus, et possessiones. Hoved.* p. 745. <sup>4</sup> *App. N<sup>o</sup> II.*

probably, at this time, one of the *Custodes*, or *Justices* of the *Jews*<sup>k</sup>.

In the Second Year of King *John* the *Jews* paid a Fine of 4,000 Marks for the Renewal of their Charters and Privileges: The Year before, the Citizens of *London* had fined in 3,000 Marks on the like Occasion<sup>l</sup>.

By this Charter of Confirmation, T. 10th April, in the 2d Year of his Reign, King *John* grants to the *Jews* of *England* and *Normandy*, that they might freely reside in his Territories; and might hold all those Things of him which they had of *Henry the First*; and also all those Things which they then reasonably held in Lands, Fees, and Mortgages [*in terris et feodis, et vallis et akatis suis*<sup>m</sup>.]

Mr. *Prymme* observes, That the Persons who subscribed this Charter as Witnesses, were eminent both for Honour and Power; and that it appears by the Recitals in it, that the Liberties thereby granted and confirmed to the *Jews* were wholly, or for the most part, such as *H. I.* Grand-father, and *H. II.* Father, to King *John*, had formerly granted and confirmed to them by their respective Charters<sup>n</sup>.

By the Assise-Rolls of the 4th Year of King *John* it appears, that *Bonefaud*, a *Jew*, of *Bedford*, was in Possession of an Estate in Land [*terram suam*], called *Hacton*, which he had in Mortgage<sup>o</sup>.

In the 9th and 10th Years of King *John*, *Moses*, a *Jew*, the Son of *Brunus*, who, as Mortgagee of the Manor of

<sup>k</sup> Magn. Rot. 10. Ric. I. Rot. 8. b. Rotelanda, Madder's Exch. 160. e.

<sup>l</sup> Judæi Angliae dant Domino Regi quatuor mille marcas pro cartis suis confirmandis. Et missæ fuerint cartæ Gaufrido filio Petri et Stephano de Pertico, ut eas faciat legi coram se, et coram Dominis Londinensi et Norwicensi episcopis; et, cum acceperit securitatem de illis quatuor mille marcis reddendis, tunc eis illas chartas coram praedictis liberet. Oblata 2. J. m. 3—Madd. Exch. 155. z. Cives Londoniæ dant Domino Regi tria millia marcarum pro habenda confirmatione Domini Regis de libertatibus suis; et carta liberabitur G. filio Petri, per sic quod si illa tria millia marcarum volunt dare, suam cartam habebunt; fin autem, cartam non habebunt. Rot. oblat. 1 J. m. 20.—Madd. Exch. 275. y.

<sup>m</sup> Madd. Exch. p. 174. e. <sup>n</sup> Pryn. 2d Part of his Dem: p. 7. <sup>o</sup> Placita apud Bedeford, 4 Joh. Rot. 5. in dorso. Pryn. ubi supra, p. 9. App. N° 3.

*Standon* in *Hertfordshire*, had recovered Seisin of the said Manor in the County-Court, brought his Action against the Sheriff of *Essex* and *Hertfordshire*, for not delivering him plenary Seisin or Possession of the said Manor: The Sheriff appeared to the Action, and pleaded; and the Result was, that the Sheriff was amerced; and Judgment given, that the Jew should be put into Possession<sup>p</sup>.

In the 10th of King *John*, Anno 1209. a final Concord was acknowledg'd before the said *Simon de Pattebull* and *Jacobo de Potterne*, the King's Judges, and others, between *Robert de Norfolk*, and *Theofania* his Wife, and *Isaac the Jew*, the Son of *Fosce*, of a Messuage in *London*; whereby they quit-claimed from them, and the Heirs of the said *Theofania*, to the said *Isaac, and his Heirs for ever*, all their Right and Title to the said Messuage, with the Appur-nances<sup>q</sup>.

The 13th of King *John*, an *Affise* was brought, to try whether *Robert de Kavill* unjustly disseised *William Couse*, and *Beatrice* his Wife, of their Freehold in *Lincoln*.—*Robert* appeared; and pleaded, in Bar to the *Affize*, That he came into Possession by the King's Writ; having purchased the same of certain Jews, to whom the said *William* had mortgaged the Premises; and that he claimed nothing therein, but in Right of the said Mortgage: And, this appearing, the Court gave Judgment, That the Plaintiff should be amerced; and that the said *Robert* should hold the Estate as his Mortgage<sup>r</sup>.

The 24th of *Henry III.* the Prior and Convent of *St. Gregory*, in *Canterbury*, granted and confirmed, by Deed under their common Seal, and recorded in the Burghmote of *Canterbury*, to *Miskan the Jewess*, Relict of *David*, a Messuage, &c. in *Canterbury*, to hold to her, and her Heirs, and to whomsoever she should think proper to give, sell, or assign it, except to a religious House, freely and quietly, *et jure bereditario*, for ever; paying 20*d.* yearly to the Prior and Convent, in full for all Services<sup>s</sup>.

<sup>p</sup> App. N<sup>o</sup> 4.  
p. 14. App. N<sup>o</sup> 6.

<sup>q</sup> App. N<sup>o</sup> 5.  
App. N<sup>o</sup> 7.

<sup>r</sup> Prynne, 2 Dem.

24 H. III. The Sheriff of Gloucestershire having, on some Occasion, seized into the King's Hands the moveable and immoveable Estates of the Jews in that County, he was, by the King's Writ, commanded to permit them to have the free Administration of their Estates moveable and immoveable; *sicut habere debent secundum assam regni nostri, et solent.* Claus. 24. H. III. Pars 1. m. 10<sup>t</sup>.

In the Clause-Rolls of 39 H. III. there is a large Catalogue of the Lands, Houses, Rents, Mortgages, real and personal Estates, and Debt, of *Abraham*, a Jew, in several Counties, amounting to a vast Sum, filling up near Two Membranes; which were all, upon some Occasion, imbrivated, and confiscated to the King's Use<sup>u</sup>.

27 H. III. An Extent issued against *Michael* the Son of *Isaac*, and other Jews, for a Debt they owed the Crown; and the Sheriff of Gloucestershire was thereby commanded to seize into the King's Hands [omnes Terras, Domos, et Cattala, prædictorum Judæorum] all the Lands, Houses, and Chattels, of the said Jews, which they had forfeited by their Non-payment of the said Fine. *Mich. Comun.* 27. H. III. Rot. 4. a<sup>v</sup>.

28 H. III. An Extent issued, commanding the Sheriff of Southampton to seize into the King's Hands all the *Lands*, *Rents*, and *Chattels*, of *Elias* the Son of *Cbera*, a Jew, for the Arrears of his Tallage. *Memor.* 28. H. III. Rot. 14. a. <sup>x</sup>.

29 H. III. A Proclamation was issued, requiring the Jews, their Wives and Children, to remain in the Towns in which they then resided, under Penalty, in case of Disobedience, that all their *Lands*, *Rents*, and *Chattels*, should be seized and sold for the King's Use. Clause 29. H. III. m. 17<sup>y</sup>.

34 H. III. *Walter de Stureia*, by Deed, confirmed to *Mero* Son of *Isaac*, a Jew, a Messuage, with the Appurtenances, in *Canterbury*, to hold to him, and his Heirs and Assigns, of the Grantor, and his Heirs, freely, quiet-

<sup>t</sup> Prynne, 2 Dem. p. 28.

<sup>u</sup> Prynne, ubi supra, p. 28. b.

<sup>w</sup> Madd. Exch. 156. n.

<sup>x</sup> Madd. Exch. 153. w.

<sup>z</sup> Dem. 37. b.

<sup>y</sup> Prynne,

ly,

ly, and hereditarily, for ever; rendering to the Lords of the Fee the Services annually due for the same, and to the Grantor, and his Heirs, Three Pence yearly<sup>z</sup>.

45 H. III. the Chirographers of *Wilton, Merleberg, and other Places*, were directed to open the *Archa*, or Chest of the *Jews*, and make an Inventory of what they found there; and also to inquire of all the Estates of the *Jews*, moveable and immoveable, not in the Chest; videlicet, quantum singuli habeant in auro et argento, vadiis, jocalibus terris, redditibus, et omnibus rebus aliis.—*Rot. Pat.*

45. H. III. dorf. 9<sup>w</sup>.

50 H. III. *Reginald Son of Simon le Cunte, of Norwich*, by his Deed, granted, sold, and confirmed, to *Abrabam Son of Deuletre, a Jew, of Norwich*, an annual Rent of Two Shillings and Six Pence a Year, issuing out of a Mesuage in *Norwich*, to be paid to him, his Heirs and Assigns, or to whom he should think fit to give, devise, or assign, the same, freely, quietly, peaceably, and hereditarily, for ever<sup>x</sup>.

In the 53d of King *Henry the Third*, *Roger Son of Eustace, of Norwich*, granted, gave, and confirmed, to the before-named *Abrabam, Son of Deuletre, a Jew of Norwich*, a *Shed*, with the Appurtenances, to hold to the said *Abrabam*, and his Heirs, or to whom he should think proper to give, bequeath, sell, or assign, the same, freely, quietly, peaceably, and hereditarily, for ever; rendering Five Shillings annually to the House of the *Holy Trinity* in *Norwich*, and to the Grantor, and his Heirs, a Clove, in full of all Services and Demands<sup>y</sup>.

That *Jews* were, during this Period, Persons esteemed capable to purchase real Estates, was so universally known, that it was common in Feoffments and Confirmations for the Grantor to warrant the Premises to the Grantee, and his Heirs, against all Persons, *as well Christians as Jews*; which would have been absurd, if *Jews* had been, by Law, incapable of holding real Estates.

<sup>w</sup> App. N<sup>o</sup> 8.  
N<sup>o</sup> 9.

<sup>x</sup> Prynne, 2d Dem. p. 49. b.  
<sup>y</sup> App. N<sup>o</sup> 10.

<sup>x</sup> App.

Thus, in the Reign of Hen. III. *Helius de Hokeringe*, and *Isabel* his Wife, by their Deed of Infeoffment, granted, gave, and confirmed, to the said *Abraham* the Son of *Dene-letre*, a Jew, a Messuage, in *Norwich*, to hold to him, his Heirs and Assigns, or to whomsoever, and whensoever, he should think fit to give, bequeath, sell, or assign, the same, freely and hereditarily, for ever; rendering a Pound of Cumin-seed yearly for all Services and Demands; and the Grantor, and his Heirs, thereby warranted the Premises to the Grantee, his Heirs and Assigns, for the said Service, against all Persons, as well Christians as Jews <sup>r</sup>.

In the 56th of King *Henry III.* *John Durant*, and *Justitia* his Wife, in like manner, granted and confirmed to *Vivo de Wintonia*, a Jew of *Canterbury*, a Messuage, with the Ground, and other Appurtenances, to hold to him, his Heirs and Assigns for ever; and they thereby undertook to warrant the same to the said *Vivo*, his Heirs and Assigns, against all Persons, *Christians and Jews*, for ever <sup>z</sup>.

In the First Year of King *Edw.* the First, *Roger Thaleboth*, by a like Deed, gave, granted, and confirmed, a Messuage, with the Appurtenances, in *Canterbury*, to *Isaac* Son of *Benedict*, a Jew, of *Canterbury*, and his Heirs, for ever; and thereby undertook to warrant the said Messuage, with the Appurtenances, to the said *Isaac*, his Heirs and Assigns, against all Persons, *Christians and Jews*, for ever <sup>a</sup>.

The Rolls of the Exchequer, of the 3d and 4th *Edw.* I. make mention, That, according to the Assize and Statutes, of the *Judaism*, the Jews in this Kingdom were intitled to have a Moiety of the Lands, Rents, and Chattels, of their Christian Debtors, until their Debts were satisfied <sup>b</sup>.

There was, in this and former Reigns, an Escheator of the Jews, whose Duty it was to take care of the Tenements

<sup>r</sup> App. N<sup>o</sup> 11.

<sup>z</sup> App. N<sup>o</sup> 12.

<sup>\* App. N<sup>o</sup> 13.</sup>

There are the like Warranties in Deeds of Infeoffment in *Maddox's Form. Anglican.* p. 195. N<sup>o</sup> 326. and in *Tovey Angl. Judaica*, p. 181.

<sup>b</sup> Vid. *Maynard's Memoranda Scacc.* of Ed. I. p. 5. and Mem. 3 and 4 Ed. I. Rot. 8. a. Mad. Exch. p. 168. d.

and Chattels which came to the Hands of the Crown by the Death or Forfeitures of the Jews <sup>c.</sup>

The great Roll of the Exchequer, of the 13th *Edw. I.* recites, That the King had commissioned, by his Letters Patents, *William de Brayboot* to sell the *Houses, Lands, and Rents*, of certain *Jews*, who had been convicted; for which the Executors of *Brayboot* there render an Account <sup>d.</sup>

*John Godsalme* having mortgaged his Lands to *Haginus the Son of Moses*, a *Jew*, and the *Jew* having sold it to *James de Audit*, who sold it to *Laurence de Brok*, from whom it came to *Hugb de Brok*, who then held the same; *John Godsalme*, in the 18th *Edw. I.* petitioned the Parliament for their Assistance to recover the Land; and thereupon the Parliament referred him to the Court of Chancery for Remedy.

This Application would have been unnecessary, if a *Jew* had been incapable to hold Lands, or to convey or make a Title to them <sup>e.</sup>

In the 18th *Edw. I. Anno Domini 1290.* the *Jews* left *England*, to the Number of about Fifteen or Sixteen thousand.—Authors differ concerning the Occasion and Manner of their Departure: Some (of which Opinion is the Lord *Coke*, 2d Inst. 308) say, the Parliament having, by the Statute *de Judaismo*, put a Stop to the *Jews* Trade of Usury, or lending Money at Interest, they desired to leave the Kingdom; which was granted them: Others, which appears to be the better Opinion, insist they were banished; but by whom, whether by the Parliament, or by the King's sole Authority, does not certainly appear.

On their Departure, the Lands, Debts, and personal Estates, which they left behind them, escheated to the Crown; and Proclamations were issued, commanding all Persons, who owed any Money to any *Jew*, or who knew any thing of their Debts or Estates, to inform the King, or his Council, thereof <sup>f.</sup>

<sup>c</sup> Claus. 4 Ed. I. m. 7. Prynne, 2d Part of his Dem. p. 69. <sup>d</sup> Mag. Rot. 13th Ed. I. in Rot. Compotor. m. 1. b. Mad. Exch. p. 157. m.  
<sup>e</sup> App. N<sup>o</sup> 14. <sup>f</sup> Rot. Parl. 21 Ed. I. Rot. 5. printed in Ryl. Plac. Parl. 173.

The 18th January in the 19th *Edw. I.* the King commissioned *Hugh de Kendale* to appraise, extend, and sell, the *Houses, Rents, and Tenements*, which belonged to the *Jews* in *England*, by the Advice of proper Persons, to be associated to him ; and the King promised to approve of such Sales, and to make Grants to the Purchasers of the *Houses, Rents, and Tenements*, they should purchase ; and to apply the Money arising thereby [*in quosdam pios usus*] to some pious Uses<sup>s</sup>.

The Roll of the Parliament held at *London* after *Easter*, the 21st *Ed. I.* recites, That the capital Lords, of whom the *Jews*, before their Banishment, held their *Tenements*, demanded the Arrears of the Services issuing out of those *Tenements*, as well during the time the *Jews* held them, as during the time the same came to the Hands of the King, *as bis Esbeat, by reason of the Banishment of the Jews* ; and also, after the time the King had granted those Estates to others ; and thereupon Directions are given, that the Arrears of Services, since the making the Grant, should be discharged by the Grantees ; that the Arrears incurred while those Estates were in the Hands of the King, should be paid by the Crown ; and that the Lords of the Fee had no Right to demand the Arrears which accrued due while the *Jews* were in Possession<sup>h</sup>.

There is in the *Tower* a particular Roll, containing an Account of the Grants made by *Ed. I.* of the *Houses, &c.* of the *Jews* ; in consequence, probably, of the Survey and Extent made by *Hugh de Kendale*.—The Title set up, in these Grants, by the Crown, to the Estates of the *Jews*, is not their Incapacity to hold real Estates, as *Jews* or Aliens, but that the Estate was come to the Hands of the Crown, as an *Escheat*, by the Banishment of the *Jew*, *per exilium ejusdem Judæi a Regno nostro, tanquam eschaeta nostra in manu nostra existit*<sup>i</sup>.

In like manner in the Patent Rolls, 6. *E. I. m. i.* there is a Commission for felling some *Houses* of *Jews* who had been hanged for a Felony ; the Crown's Title whereto is expressed thus ; — *Quæ sunt eschaeta nostra in comitat*

<sup>s</sup> App. No 15. <sup>h</sup> Rot. Parl. 21 Ed. I. printed in Ryley, p. 129. <sup>i</sup> App. N<sup>o</sup> 16. Prynne, 2d Dem. p. 117. Eborum,

Eborum, et extra, per feloniam quorundam Judæorum-  
ibidem et alibi nuper suspensorum. — And there is not an  
Instance to be met with in any Record, antient or modern,  
of any *Office being found* to enable the Crown to avail itself  
of an Estate purchased by a *Jew, because he was incapable*  
*to purchase*; or of the Crown's ever setting up this sup-  
posed Common Law Title.

In the 3d Year of *Edward III. Anno 1330.* a Quo War-  
ranto was brought against *Hugb de Audele*, and *Margareta*  
his Wife, for various Franchises claimed by them, as be-  
longing to sundry Manors and Lands in the County of  
*Northampton*; and, amongst others, to shew by what Title  
they claimed the View of Frank-pledge, and other Fran-  
chises, in the Manor of *Wbiston*: *Hugb de Audele* and  
his Wife appeared; and pleaded, That the said Manor  
formerly belonged to *William de Wbiston*, who *infeoffed* one  
*Moses*, a *Jew* of the said Manor, with the Appurtenances,  
to hold *to him, and his Heirs for ever*; and that the said  
*Moses infeoffed* Richard *Earl of Gloucester thereof*, under  
whom the Defendants made Title; and, by their Plea,  
insisted, That they, and their Ancestors, and their Feoffors,  
had, for Time immemorial, been seised of the Franchises  
in question, as appurtenant to the said Manor.

The Attorney-General did not demur to this Title;  
which he probably would have done, if, by Law, a *Jew*  
had been a Person *incapable* of being the Grantee or  
Grantor of an Estate in Fee-simple; but, instead thereof,  
took Issue on a collateral Matter<sup>k</sup>.

In these early Times all Loans of Money to be repaid  
with Interest were called Usury, and deemed usurious<sup>l</sup>,  
and were unlawful to be practised by Christians; but were  
nevertheless permitted to the *Jews*, it being the chief  
Trade and Business they employed themselves in.

The necessary Consequence of this Privilege was, their  
drawing on themselves the Hatred and Ill-will of the di-  
stressed Borrowers, and their being, by large Tallages,

<sup>k</sup> App. N° 17. C. 3. and the App. N° 18.

<sup>l</sup> Vide Glanvil. Lib. 7. Cap. 16. L. 10.

**Fines, and other Oppressions, obliged to pay to the Crown what, by their high Interest, they from time to time got from the Subject.**

This will not appear strange, when we consider, that the stated and legal Rate of Interest the Jews were at first allowed to take was, *Three Pence for every Pound Sterling per Week*, which was equal to *65 per Cent. per Annum*.

**Hen. III.** in the Beginning of his Reign, reduced the **Affise**, or legal Rate of Interest to be taken by the Jews, from *Three Pence to Two Pence for every Pound Sterling, or upwards of 43 per Cent. per Annum*.—This appears from the following Ordinance, which *H. III.* issued for that Purpose; the Original whereof is in the Archives of the Collegiate Church of *Westminster*.

There is no Date of the Year to this Instrument; but, by the annexed, and several other Bonds, in which Interest is reserved at the Rate of Two Pence *per Week*, it appears, this Alteration took place in the Beginning of the Reign of H. III. and continued at that Rate to the Reign of E. I. when a total Stop was put to the Jews lending Money at Interest<sup>1</sup>.

This high Interest was so oppressive on the Borrowers, that several temporary Relaxations and Provisions were made by the Crown, and by Parliament, for easing the Subject, in particular Circumstances, in relation to it.

In the Clause-Rolls of the 7 and 9 John it was directed, That Interest should not run on particular Persons: *De termino quem monstrare poterint, quod fuerint in servitio nostro per preceptum nostrum.*

There is a like Order, Clause 25. H. III. m. 13. dorso. for the Justees of the Jews not to allow Interest to run on the Debtor, upon some equitable Circumstances mentioned in the Writ<sup>m</sup>.

In King John's *Magna Charta* there is this Clause: — If any one hath borrowed any thing of the Jews, more or less, and dies before the Debt be satisfied, there shall be no Interest paid for that Debt, so long as the Heir is under Age, of whomsoever he may hold; and, if the Debt fall into our Hand, we will take only the Chattel mentioned in the Charter, or Instrument: And if any one shall die indebted to the Jews, his Wife shall have her Dower, and pay nothing of that Debt; and if the Deceased left Children under Age, they shall have Necessaries provided for them, according to the Tenement, or real Estate, of the Deceased; and, out of the Residue, the Debt shall be paid; saving, however, the Service of the Lords:

“ Si quis mutuo cepirit aliquid a Judæis, plus vel minus, & moriatur antequam debitum illud solvatur, debitum non usuret quandiu heres fuerit infra ætatem, de quocunque teneat; & si debitum illud inciderit in manus

<sup>1</sup> App. N° 19.

<sup>m</sup> Prynne's 2d Dem. p. 13. b. 30. a.

“ nostras,

“nostras, nos non capiennus nisi catallum contentum in  
 “carta: Et, si quis moriatur, & debitum debeat Judæis,  
 “uxor ejus habeat dotem suam, & nihil reddat de debito  
 “illo: Et si liberi ipsius defuncti, qui fuerint infra etat-  
 “tem, remanserint, provideantur iis necessaria secundum  
 “tenementum quod fuerit defuncti; et de residuo solvatur  
 “debitum; salvo servitio dominorum.” *Magna Charta,*  
*Anno 17 Regis Johani.*

In the Statute of *Merton*, 20th H. III. there is a Provision, which Lord *Coke*, in his Commentary, says, related to the *Jews*.

‘Likewise it is approved and granted, by the King, that, from henceforth, Usuries shall not run against any, being within Age, from the time of the Death of his Ancestor, whose Heir he is, unto his lawful Age; so, nevertheless, that the Payment of the principal Debt, with the Usury that was before the Death of his Ancestor, whose Heir he is, shall not remain.’

The Archæ, or Chests, in which the Mortgages and Securities made to the *Jews* were deposited, were sometimes sealed up by the King’s Order; and, during the time they were thus sealed, the Interest on their Loans ceased to run.

The 16 May, 25 H. III. a Writ issued to the Sheriff, &c. of *Nottinghamshire*, commanding them to open the *Chyograph* Chest of *Nottingham*; but that Interest should not run on the Debtors from the Day on which the Chest was, by the King’s Writ, closed, which was the Feast of *St. John the Baptist*, in the 23d Year of his Reign, to the Day on which it should be opened, in his 25th Year. *Ex Orig. in Arch. Eccl. Col. Westm.*

By an Ordinance made by H. III. and his Council, in the 24th Year of his Reign, all Deeds and Mortgages made between *Christians* and *Jews* are directed to be deposited in the Archæ, or Chest, of the *Jews*, within Ten Days after they were executed, under Pain of the Christians being amerced, and the *Jews* forfeiting the Estate contained in the Deed.<sup>m</sup>

At the Feast of St. Hilary, in the 53d H. III. an Ordinance was made by the King, with the Advice of Prince Edward his Son, and others of his Council, whereby he declared he released, to his Christian Subjects, all Rents in Fee issuing out of Lands belonging to Christians, which, at the Feast of St. Hilary, 53d H. III. were in the Hands of Jews, and were not granted or sold to Christians; provided they had been, before that Day, confirmed by the Crown, or inrolled among the Records of the Exchequer of the Jews; and that no Jew should sell or accept Grants of any such Rents in Fee for the future <sup>n</sup>.

The 25th July, 55 H. III. the King, by the Advice of the Prelates, Lords, and great Men, who were of his Council, issued an Ordinance, which Dr. Tovey says is lost from the Rolls, and, by Mistake, calls an Act of Parliament, that no Jew should have a Freehold in any Manors, Lands, Tenements, Fees, Rents, or Tenures, by Charter, Gift, Feoffment, Confirmation, or any other Instrument, except as to the Houses in which they lived, or leased out—And as to the Lands and Tenures of which the Jews, before the making that Ordinance, had been infeoffed, and then held; the Infeoffments and Grants thereof were thereby declared to be null; and the Lands and Tenements thereby granted were to belong to the Christians, by whom they were granted, on their repaying to the Jews the Purchase-money without Interest <sup>o</sup>.

In the 3d of Edward I. a Stop was put to the Jews lending Money at Interest, by the Statute *De Judaismo*; by the 5th Article whereof the Jews were prohibited from aliening any of the Houses, Rents, or Tenements, they were possessed of, without Licence from the Crown <sup>p</sup>: Lord Coke says, this Statute was made at the Parliament held the

<sup>n</sup> Rot. Pat. 53 H. III. m. 25. N<sup>o</sup> 1. a tergo. Lib. Rub. Scacc. fol. 242. Prynne's 2d Part of his Demurrer, p. 63. b. Vid. App. N<sup>o</sup> 32.

<sup>o</sup> This Ordinance is published by Dr. Tovey, p. 175. and is one of those, which, page 188. he fancies to be an Act of Parliament, and to be now lost from the Rolls. Rot. Pat. 55 H. III. m. 10. N<sup>o</sup> 55. a tergo. Vid. App. N<sup>o</sup> 33. in which this Ordinance is printed at large.

<sup>p</sup> Tothill, 2da pars Veterum Statutorum, p. 58. b. Prynne, 1 Dem. p. 40.

18th Year of *Edward I.*; but this appears to be a Mistake: *Matthew of Westminster*, who lived, and wrote his History, in or near this time; and the Annals of *Saint Austin*, in *Canterbury*, under the Year 1275. which answers to the 3d or 4th *Ed. I.*; say, it was Enacted, by the Parliament held that Year at *London*, among other Things, That the Jews should no longer lend Money at Interest: And in *Michaelmas Term*, 4 *Ed. I.* the Statute *De Judaismo* was directed to be transcribed, and sent to the Barons of the Exchequer, in order that they might be observed by the Justices of the Jews<sup>4</sup>.

The Records above referred to, which are Part of a much greater Number that might be produced, plainly prove, that antiently, *by the common Law*, Jews born in *England* were capable of purchasing real Estates: If they could do so at common Law, they could not be divested of that Privilege by an Ordinance of the King and Council, or by any other Authority but that of Parliament.

The Opposers of the present Bill are sensible of this; and therefore insist, the foregoing Ordinance of the 55th Year of *H. III.* is an Act of Parliament.

That it is not an Act of Parliament, and was never ratified or confirmed by Parliament, will, it is apprehended, appear from the following Considerations:

1. It was never inserted in any Collection of antient Statutes, either in MS. or Print; and was never received or esteemed to be an Act of Parliament by any Lawyer, or Person conversant in these Matters; or ever pretended so to be, till Dr. *Tovey* met with it in the Year 1738. in the *Bodleian Library*, bound up, among other MSS, with *Merlin's Prophecies*, and an Epistle of *Lucius*, Procurator of the *Roman People*, to King *Arthur*.

<sup>4</sup> Baronibus pro Rege— Quia Rex vult quod statuta que de *Judaismo* nuper fecit supplicari, & per eosdem barones transmitti ad justiciarios ad custodiam *Judæorum* assignatos, ita quod teneantur, & firmiter obseruentur: Et ideo Rex mandat baronibus, quod statuta illa scribi, & sigillo scaccarii praedicti signari; & ea, sic scripta & signata, præfatis justiciariis liberent, &c. T. &c. Mich. Commun. 4 E. I. Rot. 4. a.— Mad. Exch. 169. k.

In the Bodleian Catalogue, this, and another short Piece on the same Subject, are thus described :

13. *Contra Judæos, ne libera tenementa in Anglia emere eis liceat, per quendam fratrem minorem,* I suppose, a *Romaine* of that Age [Declamatio].

14. *Breve Regis, ea de re, contra Judæos, datum 25 Julii, Anno regni 55.*

The Title *Breve Regis* does not necessarily imply it to be a Transcript of an Act of Parliament ; the Editor of the Catalogue does not give it that Title ; and, in point of Form, it differs materially from Writs of that Kind.

2. The total Silence of the cotemporary Writers and Historians of those Times, who make not the least Mention of so remarkable a Law, notwithstanding they give minute Accounts of every other Law made relating to the Jews, render its being enacted by Parliament extremely suspicious ; and there is Reason to believe this Ordinance was no other way carried into Execution, than by raising Money from the Jews for Licences dispensing with it.

3. The Expression *Statutum* does not necessarily import its being made by Authority of Parliament.

4. The Expression *providimus de concilio prelatorum, magnatum, et procerum, qui sunt de concilio nostro,* does not, in the Language or Stile of that Age, import its being made by Authority of Parliament ; but rather implies it to be the Act of the King, *in his Privy-Council.*

A Writ of Safe Conduct T. 15 March, 49 H. III. is expressed to be granted *de consilio magnatum, qui sunt de concilio nostro* <sup>c.</sup>

In another Writ T. 22 April, 49 Hen. III. the King recites, That he had lately, *de consilio magnatum, qui sunt de concilio nostro*, commanded Adam, the Son of Philip, Constable of the Castle of Montgomery, to deliver the Castle to one John Estraneo ; which Adam refused to do, without an Order from Prince Edward ; the King, therefore, by this Second Writ *de consilio predicto*, and by the

<sup>c</sup> Rym. Fœd. Vol. I. p. 807.

Affent of Prince Edward, commanded Adam to deliver Possession of the Castle<sup>f</sup>.

The following Writ T. 11 Sept. 48th Hen. III. directed to the Bishop of Norwich, recites, That whereas it had been lately provided, *per prelatos et magnates regni nostri, et unanimiter concessum*, That the Tenthhs of all Ecclesiastical Benefices should be collected for the public Service; the King thereby commanded the Bishop to collect those Tenthhs; and tells him, in case of his not doing it, That, *de concilio magnatum, qui sunt de concilio nostro*, the Sheriff of Norfolk and Suffolk was directed to collect it.

Rex M. episcopo Norwicen' salutem. Cum per prelatos et magnates regni nostri provisum sit, et unanimiter concessum, quod decimæ proventuum omnium beneficiorum ecclesiasticorum in regno nostro conferantur ad communem utilitatem ejusdem regni, et ecclesiæ Anglicanæ; et quod hujusmodi decimæ per locorum episcopos levantur, et ad nos mittantur: Vobis mandamus, quod hujusmodi decimas, quas juxta provisionem prædictam in vestra dioc' de beneficiis ecclesiasticis levare fecistis, ad nos sine dilatione mittatis, convertendas in communem utilitatem regni nostri, et ecclesiæ prædictæ; et hoc nullatenus omittatis; scitote quod nisi hoc ad mandatum nostrum facere volueritis, *de consilio magnatum, qui sunt de concilio nostro*, mandamus vic' nostro Norf' & Suff' ad dictam decimam, ob defectum vestra, quod velimus levare, et ad nos mitti fac' indilat. T. rege apud Cantuar', primo die Septembris— Clause 48 Hen. III. m. 3. dorso<sup>g</sup>.

It is clear the King's Council, mentioned in these Writs, was not the King's great Council in Parliament, but his Privy-Council; and it does not appear, that any Parliaments were sitting at the times any of these Writs issued.

There is but One Act of Parliament in which the Expression of our Council is used in any-way similar to the present; and that is the Statute of Mortmain, 7 Ed. I. which is said to be made by the Advice of the King's Prelates, Earls, Barons, and others, his Subjects, *being of his Council*

<sup>f</sup> Rymer Fœd. Vol. I. p. 808

<sup>g</sup> Prynne Parl. Reg. Part 2. p. 5.

cit:

*til*: By those others being of his Council, was meant the Commons, who were not consulted concerning the Ordinance in question; besides, that Statute hath been always received and allowed, as having the Force of an Act of Parliament, which makes the Form of its Publication or Transmission not so material.

5. But what is *conclusive* as to the present Point, and proves, to a Demonstration, that the Ordinance in question, of the 55 H. III. is no more than an Order in Council, and not an Act of Parliament, is this; that there was no Parliament held by H. III. after the 52d Year of his Reign, which began the 19th October 1216; his last Parliament being that of *Marlebergh*, in which the Statutes called by that Name were enacted; which, as appears by the Preamble printed in the Statute-Book, and cotemporary Writers, was held in the 52d Year of his Reign.

“ Statutes made at *Marlebridge* 18 November, Anno 52  
“ H. III. and Anno Domini 1267.

“ In the Year of Grace 1267, the 52d Year of the  
“ Reign of King Henry, Son of King John, in the Utas  
“ of St. Martin, the said King our Lord — the *more dis-*  
“ *creet Men* of the Realm being called together, as well  
“ of the Higher as of the Lower Estate — hath made these  
“ Acts, Ordinances, and Statutes, underwritten, &c.

It is not pretended *the discret Men of the Lower Estate* were consulted in making the Ordinance in question; the Writ is exprefs, That it was made by the King, with the Advice prælatorum, magnatum, et procerum, *qui sunt de concilio nostro, only*; Will any one of *the Lower Estate* insist, that, under these Circumstances, it can be considered to be an Act of Parliament?

It has been insisted, That several Kings, after the Conquest, released, discharged, and disposed of, the Estates of the Jews as their own, at their Pleasure: That those Grants, together with the Laws of *Edward the Confessor*, are declaratory of the Common Law, and sufficient to shew, that, though the Jews could purchase Land-Estates, that yet they had no Property in them; but that, as soon

as they were purchased, they belonged to the Crown. — If this were so, the Jew Purchasers were foolish indeed.

When these Grants are looked into, it appears, that they were chiefly in the Case of Debts, or Lands which had belonged to Jews, and to which the Crown became afterwards intitled, by Forfeiture, on different Occasions, or which had been seized by the Crown, upon Extents, for Payment of Debts owing by Jews : In any other Light, they are inconsistent with many other Records, which express, that the Heirs of a Jew were intitled to their Father's Estate, on paying a proper Fine, or Relief ; that the Wife of a Jew was intitled to her Dower, *secundum legem et consuetudinem Judaismi*, &c. ; and, particularly, with a Patent of the 54 H. III. set forth in the Appendix<sup>1</sup>. — Many others of those Grants are to be attributed to the Violence and Superstition of those Times of Croisade, and arbitrary Power ; in which the Will of the Prince often was, *in fact*, the Law ; and which gave Occasion to those long and bloody Civil Wars between the Barons and the Crown ; during which the Jews had no permanent Protector : The People, who were the Borrowers, looked upon them as their immediate Leaches ; and the Crown excruciated them upon every Occasion, as its Wants increased ; and, to give a Colour to those illegal Proceedings, the *spurious* Law, attributed to Edward the Confessor, which is the only one that vests the Crown with any Property in the Jews ; and without which it will be very difficult, if not impossible, to account for the supposed Right of the Crown to their Estates ; was probably *invented*.

This Law, relating to the Jews, is inserted in the Confessor's, or rather William the Conqueror's, Laws, in *Hoveden*, p. 604. and is printed by Sir Henry Spelman, in his *Councils*, p. 623. from a MS. which, he says, agrees with the Copy in *Hoveden* ; but it is not in the true original Copy of the Confessor's and Conqueror's Laws of Abbot *Ingulphus*, who flourished in that Age, was present at their Confirmation, and then brought them to *Croyland Abbey*—

<sup>1</sup> App. N° 22. Prynne's 2d Demurrer, 656.

published by Mr. Selden<sup>k</sup>; nor yet in *Brompton*: Therefore, says Prynne, I cannot but reject it as counterfeit; and esteem it rather a Declaration of the Jews Condition in England in *Hoveden's Time*, inserted by him, as well as some other Things of *punier Date*, among these Laws, rather than any Law of or in the Confessor's Days; wherein I can find no Evidence of any Jews Residence here; but only this Interpolation, and forged Law, which Mr. Selden wholly omits in his Collection of his Laws<sup>m</sup>.—Prynne, in his 2d Edition of his *Demurrer*, printed in 1656. p. 3. and p. 66. repeats his Reasons for this Opinion; and, in the 2d Part of his *Demurrer*, p. 7. after setting forth the Two Charters of King *John*, confirming those of *H. I.* and *H. II.* in favour of the Jews, he proceeds thus: ‘If you compare the Law inserted by *Hoveden*, and others, among the Confessor's and Conqueror's Laws *de Judæis in Anglia constitutis*, you will find it taken almost verbatim out of these Kings Charters, in whose Time *Hoveden* wrote his Annals; and puny to the Confessor's and Conqueror's Time, in the true original Copies whereof it is not to be found.’ Dr. *Tovey*, who owes more Obligations to Mr. Prynne than to all other Authors (he having transcribed from him by much the greatest Part of the Records he has published, without owning the Theft), differs in Opinion from his Benefactor, and would prove this Law to be genuine—His Method of Reasoning is indeed singular—‘The learned *Spelman*, he says, is of Opinion, that the Settlement of the Jews in England must have been much more early, from the Notice taken of them in the Laws of *Edw.* the Confessor; which, amongst other things, declare, that *Judæi, et omnia sua, Regis sunt*; which *Wm. Prynne* endeavours to refute, by pretending, that this Law is spurious, and not justly to be ranked amongst the Laws of the Confessor: But, not to observe, that, in point of Authority, the bare Opinion of Prynne can never stand in Competition with that of Spelman; we have Reason, in

<sup>k</sup> Selden Notæ ad Eadmerum, Vol. II. 1690.  
<sup>m</sup> 1st Part, Preface, p. 6. published in 1655.

<sup>l</sup> Prynne's De-  
murrer, Idem ibid.  
<sup>n</sup> ‘ point

point of *Fact*, to support that Law as genuine, since it  
 is the only one we know of that vests the Crown with  
 any Property in the Jews ; and, without such a Law, it  
 will be very difficult, if not impossible, to account for  
 their antient Vassalage.'

If the Question depended upon *Opinion* only, Sir H. Spelman's *Opinion*<sup>1</sup> would, probably, outweigh that of Mr. Prynne ; but, when it depends upon Evidence and Facts, it is not the Reputation of the Person that produces them, but the Conviction arising from the Evidence and Facts themselves, that must decide a Question of this Importance.

The Fact, as to this Code of Laws, is this : *William* the Conqueror caused a Collection of the common Laws of *England*, as practised and received in the Time of *Edw.* the Confessor, to be made ; for which Purpose, as the Preface to those Laws expresses, and as Mr. Selden observes is mentioned by cotemporary Writers, Twelve wise Persons were chosen out of every County, and sworn, before the King, to declare, upon their Oaths, what were their antient Laws and Customs, without Omission, Addition, or Alteration ; and that *Aldred*, Archbishop of *York*, and *Hugo*, Bishop of *London*, by the King's Command, wrote, *with their own Hands*, all that the Jury said, *scriperunt propriis manibus omnia quæ predicti jurati dixerunt*<sup>2</sup> ; and, if Credit is to be given to *Hoveden*, and Sir Henry Spelman's MS. this Jury, upon their Oaths, found and repeated all the Laws by them published ; which could not be ; for, that Part of what they have both published, is forged and interpolated, is evident from the bare inspecting them : The 12th Law, which treats of *Danegeld*, mentions what passed in the Reign of *William Rufus* ; and is therefore a most impudent Forgery.—Although the Absurdity of this escaped *Hoveden*, it could not be unobserved

<sup>1</sup> Sir H. Spelman has no otherwise given his Opinion concerning the Law in question, than by publishing it as he found it in his MS. the doubtful Authority of which he himself admits, by his Observation, that the 12th Chapter was an Addition in the Reign of *H. II.*

<sup>2</sup> Vide App. N<sup>o</sup> 23. and Selden, ubi supra, p. 1639.

by Sir *Henry Spelman*; who therefore added this Note in the Margin: *Videtur hoc caput additum esse tempore H. II.* This renders the Authority of these Copies in every other respect very doubtful: On the other hand, the MS. from which Mr. *Selden* published his Copy of these Laws, is attended with no suspicious Circumstances; and is perhaps better supported, by the Account *Ingulphus* gives of its Authenticity, than any other MS. of the like Nature can at present be expected to be: ‘ Attuli eadem vice, says  
 ‘ *Ingulphus*, mecum de Londoniis, in meum monasterium,  
 ‘ leges æquissimi Regis Edwardi, quas Dominus meus  
 ‘ inclytus Rex Wilhelmus authenticas esse, et perpetuas  
 ‘ per totum regnum Angliae inviolabiliter tenendas, sub  
 ‘ poenis gravissimis proclamarat, et suis justiciariis com-  
 ‘ mendarat, eodem idiomate quo editæ sunt; ne per ig-  
 ‘ norantiam contingat nos vel nostros aliquando, in nos-  
 ‘ trum grave periculum, contraire et offendere, ausu teme-  
 ‘ rario, Regiam Majestatem, ac in ejus censuras rigidissi-  
 ‘ mas improvidum pedem ferre, contentas sæpius in ei-  
 ‘ dem hoc modo.’ *Ingulph.* p. 914.

To the foregoing Observations let me add another Quotation from *Bracton*, which was omitted in its proper Place, and which appears to be decisive of the Question, That the Jews had a Right, in his time, to purchase and hold Lands — It is in the 6th Chapter of his 4th Tractate *De Warrantia*, wherein he is express, that a Jew might be vouched in a real Action, Sect. 6. Si Christianus vel Judeus, qui terram non habuerint de qua distungi pos-  
 sint, cum vocati fuerint ad warrantizandum, præcipiatur vicecomiti, quod habeat corpora eorum, quia ibi non poterit captio terræ fieri ad valenciam.

§. 13. Cum quis adwarrantus vocatus fuerit Christianus vel Judeus, qui terram non tenuerit in feodo quæ capi possit in manum Domini Regis, vel per quam distungi possunt, præcipiatur vicecomiti, quod habeat corpora eo-  
 rum

\* Bracton. Edit. 1569. Lib. 5. Tract. 4. Cap. 6. Sect. 6. & 13. — Immediately after the Words above-cited in the 6th Section, there are added, in the Print, these that follow — *Judeus vero nibil proprium habere potest*

rum primo die. Et de hac materia inveniri poterit de termino Sanctæ Trinitatis, anno Regis H. quarto, de Isaac *Judeo*, de Northwico; et de termino Sancti Hilarii, et Paschæ, circa principium — From hence it appears, that, as early as the Time of H. I. there were judicial Determinations, that a *Jew* might hold Lands.

From the foregoing Authorities it is, as I apprehend, evident, that, by the common Law, or by any Act of Parliament made previous to the Reign of *Edw. I.* Jews were not incapable to purchase real Estates.

In the latter Part of the Statute *De Judaismo*, there are Expressions which seem to import, that Purchases by Jews were thereby intended to be prohibited; but, as that Statute is not declaratory of the Common Law, and is omitted out of our present Statute-books as obsolete, by Non-user, it appears to be foreign from the present Inquiry.

The Lord *Coke's* Opinion, That an Infidel is *perpetuus inimicus*, and ought not to be admitted to be a Witness; and the Reason he gives for it, That there can be no Peace between Christians and Infidels; have been exploded, both in Theory and Practice, as an unchristian, absurd, monkish, and fantastical, Conceit, evidently tending to destroy all Means of convincing them of their Errors, and converting them to the Christian Faith.

The Crown of *England* hath, for above a Century, entered into frequent Capitulations, and Treaties of Peace and Commerce, with the *Turk*, the Emperor of *Morocco*, and other Infidel Princes in *Asia*, *Africa*, and *America*. Lord *Coke*, as to this Point, is inconsistent with himself; for, 4th Inst. p. 155. he says, a Christian Prince may

*poteſt, quia quicquid acquirit, non ſibi acquirit, ſed Regi; quia non vivunt ſibi ipſis, ſed aliis; et ſic aliis acquirunt, et non ſibi ipſis* — On reading the Whole of the Chapter, I inclined to think these latter Words were not *Bracton's*, but an Interpolation; and, on comparing them with a very fair and antient Manuscript of that Author, in the Library of the Society of *Lincoln's-Inn*, N° 136. indorfed on the Back thus; “ *Bracton, faire written* “ *in Parchement; ex dono Ranulphi Cholmeley, Servientis ad legem et* “ *Recordatoris civitatis London;*” I find my Conjecture was well founded; and the whole Passage to be an Interpolation, no Part of it being in *Bracton's MS.* — *Ralph Cholmeley* was *Recorder of London* in 1553.

make

make Treaties of Peace, of Intercourse and Commerce, with Infidels; and, since he wrote, Infidels and Pagans have been allowed to maintain personal Actions in the King's Courts, both in this Kingdom and abroad: The Exception of the Plaintiff being a Pagan, has been taken; but, on Argument, was over-ruled<sup>r</sup>: His Opinion, that Infidels cannot take an Oath, as Witnesses, is also a Mistake — As to Jews, this Point came in question soon after the Restoration, in the Year 1667, when the Judges of the Court of King's Bench determined, that Jews were to be sworn as Witnesses on the Old Testament; and that an Oath, taken by a Jew, in that manner, might be assigned for Perjury<sup>s</sup>; and many Indictments for Perjury have since been maintained against Jews, for swearing false on Oaths so administred; and the Propriety of those Determinations is supported by the Stat. 10th Geo. I. c. 4. & 13 Geo. II. \* As to other Infidels, it was determined by the solemn and unanimous Opinion of all the learned and reverend Persons who at present preside with so much Honour in the King's Four great Courts in Westminster-hall, That the Oath of a Pagan, Infidel, a Gentoo, was, by Law, valid, and ought to be received<sup>t</sup>.

If the Notion, that Infidels are perpetual Enemies, and to be treated as such, could have ever received any Countenance from the Common Law of this, or any other Country, the Attempt to apply it to the Jews under their

<sup>p</sup> In the Case of *Ramkiffenseat*, a Pagan Gentoo, against *Barker*, in Chancery, 24 November 1738. <sup>q</sup> In *Michaelmas Term 1684*, in Chancery a Jew being to put in an Answer, upon a Motion, it was ordered, that he should be sworn upon the Pentateuch. *Vernon. Report 263.* This was agreeable to the Form of administering Oaths to Jews, anciently mentioned in a Case cited by Lord Dyer. 144. a. Case 59. in the Margin. — *9 Ed. I. & Jew had his Tryal per medietatem lingue; viz. Iudaorum;* and they were sworn upon the Five Books of Moses between their Arms, and by the Name of the God of Israel, who is merciful. *Vide Selden, Vol. III. p. 1460.*

<sup>r</sup> Between *Omicund* and *Barker*, in Chancery, 23 Feb. 1744. so determined by the present Lord Chancellor, assisted by the Lord Chief Justice of the Court of King's-Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer.

present Establishment here, will, if we consider by what Acts of Government, and the Legislature, that Establishment at first took place, and at present depends, appear to have no Foundation either in Reason or Law.

In 1654 *Cromwell*, and the Commonwealth, were applied to for Liberty for the *Jews* to come and reside in *England*: The Matter was referred to the Judges, Merchants, and Divines: The Judges delivered their Opinions, that there was no Law against it<sup>1</sup>; but, the Divines starting several Difficulties, nothing more was done by *Cromwell*, than the conniving at *Alvaro da Costa*, and Five other *Jew Families*, living in *England*.

*Chanut*, the French Ambassador at *Holland*, writes thus to *Bourdeaux*, the French Ambassador in *England*, 16 Oct. 1654. N. S.

“ A *Jew* of *Amsterdam* hath informed me, for certain, That the Three Generals of the Fleet have presented a Petition to his Highness the Protector to obtain, That their Nation may be received in *England*, to draw the Commerce thither.”

Major-General *Whalley* to Secretary *Thurloe* — Nottingham, December 12th, 1655.

“ I am glad so godly and prudent a Course is taken concerning the *Jews*; yet cannot conceive the Reason why so great variety of Opinion should be amongst such Men, as I hear are called to consult about them: It seems to me, that there are both politic and divine Reasons which strongly make for their Admission into a Cohabitation and civil Commerce with us: Doubtless, to say no more, they will bring in much Wealth into this Commonwealth; and where we both pray for their Conversion, and believe it shall be, I know not why we should deny the Means; besides, when we were Aliens from the Covenant of Promise, they prayed for us.”

Secretary *Thurloe* to H. *Cromwell*. Whitehall, December 17. 1655.

“ We have had very many Disputations concerning

<sup>1</sup> Vide Prynne's Preface to the 1st Part of his Demurrer, Page 4.  
<sup>2</sup> *Thurloe*, Vol. II. p. 652.      <sup>3</sup> Idem, Vol. IV. p. 308.

the Admittance of the *Jews* to dwell in this Commonwealth, they having made an earnest Desire to his Highness to be admitted; whereupon he hath been pleased to advise with some of his Judges, Merchants, and Divines: The Point of Conscience hath been only controverted yet; viz. Whether it be lawful to admit the *Jews* now out of *England* to return into it: The Divines do very much differ in their Judgments about it, some being for their Admittance, on fitting Cautions; others are in express Terms against it, upon any Terms whatsoever: The like Difference I find in the Council; and so amongst all Christians abroad. The Matter is debated with great Candour and Ingenuity, and without any Heat. What the Issue thereof will be, I am not able to tell you; but am apt to think, that nothing will be done therein".

In Vol. V. p. 572. The Information of the Lady *Hall*, Nov. 7. 1656.

She further informeth, That there is a *Jew*, named *Da Costa*, a great Merchant in *London*, who hath, and is presently to receive the Sum of 4,000*l.* for the Use of *Charles Stewart*; which said Sum is to be paid to *Thomas Wray Esquire*, of *Bemisb*, of this County; and Part is; and the rest to be returned by *Mr. St. Leger*, of *Newcastle*, to the said *Da Costa*.

The Result was, That nothing more was then done.

Upon the Restoration of King *Charles II.* that King granted them what they could not obtain from *Cromwell*; he assured them of his Protection, and permitted them to build a Synagogue in the City of *London*.

Under these Encouragements, many *Jew* Families came and settled in *England*; 105 of which were, in this and the following Reign, made free Denizens, by the King's Letters Patents<sup>\*</sup>, granted in the common and usual Form, and with

<sup>w</sup> Thurloe, Vol. IV. p. 321. In Collier's Eccl. H. Vol. II. p. 869. the Reader will find the Opinion of the Divines as to this Point.

<sup>x</sup> A List of their Names, and Dates of their Patents, as extracted from the Rolls, is printed in the App. N<sup>o</sup> 24.

no other *Non obstante* Clause than what was inserted in Patents of Denization usually granted.

By the general Words of Letters Patents of Denization the King grants, That the Persons therein named be natural-born and liege Subjects of his Majesty, his Heirs and Successors, of his Kingdom of *England*, and that they, and their Heirs, be in all things treated and governed as faithful liege Subjects of his Majesty, his Heirs and Successors, born within the Kingdom of *England*; and be capable and able to purchase, receive, take, have, hold, buy, and possess, use, and to enjoy, to them and their Heirs for ever, or in any other manner, Lands, Tenements, Reversions, Services, and other Hereditaments whatsoever, within the Kingdom of *England*, and other his Majesty's Dominions; and the same to give, sell, alien, and bequeath, to any Person or Persons, as they shall think proper at their Pleasure, without Restraint, and as freely, quietly, and peaceably, as any other of his Majesty's Subjects born in *England* might do<sup>2</sup>.

In these Letters Patents, in the Reign of King *Charles the Second*, it was usual to insert a Clause, That the Person made Denizen should take no Benefit thereby, 'Donec ille juramentum allegiancie prestiterit.'

In 1673 and 1685, some Persons attempting to interrupt the Jews, in the Exercise of their Religion, a Stop was put to those Proceedings by the following Orders of the King in Council:

At the Court at *Whitehall*, February 11. 1673-4.

P R E S E N T

The King's most Excellent Majesty in Council.

Upon the Petition of *Ab. Delivera, Jacob Franco Mendes, Ab. de Porto, and Domingo Francia*, on behalf of themselves and others, the Jews trading in and about the City of *London*; setting forth, That in the Year 1664. upon their humble Petition, his Majesty was pleased to declare, that they might promise themselves the Effects of the same Favour as formerly they had, so long as they demean

<sup>2</sup> In the App. № 25. there is the Form of a Patent of Denization.

themselves peaceably and quietly; and without Scandal to the Government; that altho' the Petitioners have so behaved themselves ever since, yet they were last Quarter-Sessions, at *Guildhall*, indicted of a Riot, for meeting together for the Exercise of their Religion in *Duke's-place*; and the Bill was found against them by the Grand Jury; and praying his Majesty would be pleased to permit them, during their Stay here, to reap the Fruits of his accustomed Clemency, or give them a convenient time to withdraw their Persons and Estates into Parts beyond the Seas; His Majesty in Council, taking this Matter into Consideration, was this Day pleased to order, and it is hereby ordered, That Mr. Attorney-General do stop all Proceedings at Law against the Petitioners, who have been indicted, as aforesaid; and to provide, that they may receive no further Trouble in this behalf.

At the Court at *Whiteball* this Day the 13th of November  
1685.

P R E S E N T

The King's most Excellent Majesty in Council,	
His Royal Highness Prince Earl of <i>Craven</i> ,	
<i>George</i> ,	Earl of <i>Berkely</i> ,
Lord Abp. of <i>Canterbury</i> ,	Earl of <i>Nattingbam</i> ,
Lord Chancellor,	Earl of <i>Plymouth</i> ,
Lord Treasurer,	Earl of <i>Murray</i> ,
Lord Privy Seal,	Earl of <i>Middleton</i> ,
Duke of <i>Ormond</i> ,	Lord Viscount <i>Fauconberg</i> ,
Duke of <i>Beaufort</i> ,	Lord Viscount <i>Preston</i> ,
Duke of <i>Queensberry</i> ,	Lord Viscount <i>Melfort</i> ,
Lord Chamberlain,	Lord Bishop of <i>London</i> ,
Earl of <i>Huntingdon</i> ,	Lord <i>Dartmouth</i> ,
Earl of <i>Bridgwater</i> ,	Lord <i>Godolphin</i> ,
Earl of <i>Peterborough</i> ,	Mr. Chancellor of the Ex-
Earl of <i>Sunderland</i> ,	chequer.

Upon reading this Day at the Board the Petition of *Joseph Henriques, Abraham Dolivera, and Aaron Packeco*, Overseers of the Jewish Synagogue, on behalf of themselves,

elves, and the rest of the Jewish Nation ; setting forth, That his late Majesty, of blessed Memory, having found the Petitioners, and their Nation, ever faithful to the Government, and ready to serve him on all Occasions ; was pleased, in February 1673. to signify his Royal Pleasure, that whilst they continued quiet, true, and faithful, to the Government, they should enjoy the Liberty and Profession of their Religion ; which they accordingly peaceably exercised, till Michaelmas Term last, that several Writs out of the King's Bench, on the Statute made in the 23d Year of Queen Elizabeth, had been taken out against Forty-eight of the Jewish Nation, by one Thomas Beaumont, and Thirty-seven of them arrested thereupon, as they were following their Occasions on the Royal Exchange ; to the great Prejudice of their Reputation both here and abroad ; and therefore praying his Majesty to permit and suffer them, as heretofore, to have the Benefit of the free Exercise of their Religion, during their good Behaviour towards his Majesty's Government ; his Majesty having taken this Matter into his Royal Consideration, was pleased to order, and it is hereby accordingly ordered, That his Majesty's Attorney-General do stop all the said Proceedings at Law against the Petitioners ; his Majesty's Intention being, that they should not be troubled upon this Account, but quietly enjoy the free Exercise of their Religion, whilst they behave themselves dutifully and obediently to his Government.

WILLIAM BRIDGEMAN.

Under the Encouragement and Sanction of these Acts of State, several Jews, who had been before made Denizens, so early as the Year 1677 purchased Lands, Houses, Fee-farm Rents, and other Estates, as well Freehold as Copyhold, to them, and their Heirs, which they, and their Posterity born in England, have ever since quietly enjoyed for upwards of 70 Years, without the least Disturbance or Molestation, or their Right thereto having ever been legally questioned ; and their Titles thereto, on Sales and Alienations to Christians, and others, have, in several Instances,

Instances, been passed and approved by some of the ablest Lawyers and Conveyancers of the Kingdom; and no judicial Authority or Opinion can be shewn, during this Period, to support, or give the least Countenance to, what is now insisted upon.

It is objected, There is no express judicial Determination in Support of their Right: The Reason is plain; it was never litigated or disputed, or ever called in Question, either at the Bar, or by the Bench; except in the following Instance:

In the Year 1684, in debating the great Cause of the *East-India Company*, and *Sandys*, in relation to the Power of the Crown to grant the exclusive Trade to the *Indies* to the *East-India Company*; the Counsel for the Company, and the Prerogative, insisted, That the *Jews* were formerly considered as Alien Infidels, *perpetui inimici*, &c.—This was denied by Mr. *Pollexfen*, and the other Counsel for Mr. *Sandys*.—The Court, in determining the Cause, laid all that had been said on either Side concerning the *Jews* out of the question \*.

This, however, gave Occasion, during the Pendency of that Cause, to its being brought in question in a Civil Suit.—In 1684, a Christian not paying a *Jew* a Debt he owed him, the *Jew* brought his Action; and the Defendant pleaded, That the Plaintiff was a *Jew*; and that all *Jews* are perpetual Enemies *Regis & Religionis*; and Judgment was given for the Plaintiff, *Mich. 36 Car. II. Banco Regis. Lilly's Pract. Reg. p. 3.* The Reasons given by the Court (the same in which the Cause of the *East-India Company* and *Sandys* was then depending) might probably have been expressed in a different manner, if that Cause had not been depending; viz. “That a *Jew* may recover as well as a *Villein*; and the Plea is but in Disability so long as

\* It appears from those Arguments, that the Counsel of either Side knew little of the true State of the *Jews* during their former Settlement in *England*; however, Sir *Robert Sawyer*, on the Part of the Company, admitted the *Jews* came here as Merchant Strangers of several Countries, in Amity both by special Licences of several Kings, and under the general safe Conduct of *Mag. Carta*, whereby they were under the King's Protection; while here many of them were *indenized*, others born here, and had great Possessions of *Lands*, as well as *Leases*, and personal Estates.

" the King shall prohibit them to trade; and Judgment  
" was given for the Plaintiff."

To this let me add a Case, which was omitted to be brought in in its proper Place, cited by Judge Jenkins, and Lord Coke:

A Jew born in *England* purchased Land, and married a Jewess; the Husband was afterwards converted to Christianity, but she was not converted: It was resolved in Parliament, That she should not have her Dower. *Jenkins, Cent.* p. 3. Case 2. in the Margin. Lord *Coke* cites the same Case in his Commentaries upon *Littleton*, 31. b. 32. a. and says, the Reason given in the Record is this: 'Quia vero contra justitiam est, quod ipsa dotem petat vel habeat de tenementis quae fuit viri, ex quo in conversione sua noluit cum eo adhaerere, et cum eo converti.'—The Record he refers to is printed at large in App. N<sup>o</sup> 34. and in *Tovey Angl. Jud.* p. 230.

In the Year 1718. Sir *Robert Raymond*, then Attorney General, and afterwards Lord Chief Justice of *England*, gave his Opinion on the following Case:

*A. B.* was begot and born in *England*; but both of his Parents were Aliens: He has an Intention to purchase an Estate in Fee.

Q. 1. Whether he can enjoy it, being the Son of an Alien, and of the Profession of a Jew?

I am of Opinion, *A. B.* is a *natural-born Subject* of the Kingdom of *Great Britain*, and, as such, capable to purchase and enjoy Lands, &c. in Fee; and do not know, that the Law has put any Disability upon him upon account of his being by Profession a *Jew*.

Q. 2. Whether such Lands will descend to his Issue, or be forfeited to the Crown?

I am of Opinion, What Lands he shall so purchase will descend to his Children, as the Lands of other Subjects, and not be forfeited to the Crown.

Q. 3. If he procures Letters of Denization, whether he may then purchase and enjoy Lands in Fee?

I take it, Letters of Denization will not put him in a better Condition, as to his Capacity of purchasing Lands,

Lands, than he is in already by his being born a Subject of the Crown of Great Britain.

*Lincoln's-Inn, February 23. 1718.*

*R. Raymond.*

In the Year 1722<sup>x</sup>. an Act of Parliament passed, requiring all Persons seised of real Estates to take the Oaths of Allegiance and *Abjuration*, and other Oaths, to the Government, under the Penalties and Forfeitures therein expressed.

This could not legally be complied with by *Jews* then intitled to real Estates, the Oath of Abjuration concluding with these Words ; *upon the true Faith of a Christian* : To remedy this, Provision was made, the next Session of Parliament, for omitting, *in that Instance*, the Words *upon the true Faith of a Christian*, out of the Oath of Abjuration, when taken by Persons professing the *Jewish Religion*, by the following Clause in the Act of 10 G. I. c. 4. " And whereas the following Words are contained in the latter Part of the Oath of Abjuration ; viz. *upon the true Faith of a Christian* ; Be it further Enacted, by the Authority aforesaid, That, whenever any of his Majesty's Subjects professing the *Jewish Religion* shall present himself to take the said Oath of Abjuration *in pursuance of the above-recited Act, or of this present Act*, the said Words, *upon the true Faith of a Christian*, shall be omitted out of the said Oath, in administering the same to such Person ; and the taking the said Oath by such Person professing the *Jewish Religion*, without the Words aforesaid, in like manner as *Jews* are admitted to be sworn to give Evidence in Courts of Justice, shall be deemed to be a sufficient taking of the Abjuration-Oath, within the Meaning of this and the said recited Act."

Upon the Application to Parliament to obtain this Clause, some of the Members, from a common Notion, that *Jews* could not purchase, apprehended the Clause, for that Reason, unnecessary :—To convince them, therefore, how the Law stood, the following Opinions of many of the most eminent Lawyers then living were

<sup>x</sup> 9 Geo. I. c. 24.

taken, who were all clear and uniform in Opinion, that *Jews* born here, or made Denizens, were, at that time, by Law, capable of purchasing real Estates.

The Case and Opinions were as follows :

Q. If a Subject of his Majesty, born in *England*, or a free Denizen, *being a Jew*, may purchase Lands?

Sir Thomas Bootle's Opinion.

I am of Opinion, He may, in either Case.

25th Feb. 1723.

T. Bootle.

Mr. Serjeant Cheshyre.

Antiently the Persons, Wives, Children, and Effects, of the *Jews*, were under the Protection and Power of the Kings of *England*; and, during their Continuance under such Protection, they were allowed to purchase Lands, or to take Mortgages of Lands, for Security of Money; and the Heir was in Ward to the King during his Minority; a full Account whereof may be seen in Mr. Maddox's *History of the Antiquities of the Exchequer*, P. 150. to P. 178.; and, on the *Jews* quitting this Realm on the Account of the Statute called *Statutum de Judaismo*, Inst. 506. the Lands of the *Jews* escheated to the King. On what foot the *Jews* have been since, or are now, I do not know, nor ever heard this Point brought in question: I do not apprehend, that they are on a worse foot since their former Expulsion; nor do I know how to distinguish them, in this respect, from other of the King's natural-born Subjects, having no certain Rules wheron to form any such Distinction.

February 26th, 1723.

J. Cheshyre.

Mr. Pigot's Opinion.

I am of Opinion; That a *Jew*, that is his Majesty's Subject, born in *England*, or who has obtained Letters Patents of Denization, may purchase Lands; the Statute *De Judaismo*, and the other old Statutes, relate only to Usury; and there is not in them any thing to disable them to purchase. In antient Times Persons excommunicated, Lepers, *Jews*, and many others, were disabled to purchase, as appears by

*Braetton*, and our old Authors; but I am of Opinion a Jew may purchase; because I know no Law that disables him, or deprives him of that Right of purchasing he acquired by being an English Subject.

Middle-Temple, 26th February 1723.

H. Pigot.

Mr. Serjeant Whitaker.

I am of Opinion, That a Subject of his Majesty, born in *England*, tho' a Jew, may purchase and hold Lands so purchased in *England*; and I am of Opinion, that a free Denizen, after he is so made, may likewise purchase and hold Lands by him purchased, tho' such Denizen be a Jew.

26 Feb. 1723.

Edward Whitaker.

Mr. Kettleby's Opinion.

I am of Opinion, That a Jew born in *England*, or being an Alien born, if he be denized by Letters Patents, or naturalized by Act of Parliament, is as well qualified to purchase Lands, and to hold and enjoy them, as any other Subject whatsoever.

Abel Kettleby.

Mr. Mead's Opinion.

I do not know of any Law that restrains a Jew, who is a natural-born Subject of the Kingdom of *England*, or who is made a free Denizen of the Kingdom of *England*, from purchasing Lands; nor do I know of any judicial Resolution by which it hath been determined, that such a Jew may purchase Lands.

26 February 1723.

S. Mead.

Mr. Lutwicke's Opinion.

I do not know, that, in any of the Law-books, there is any Distinction made between a Jew Subject, born in *England*, or made Denizen, and any other; and, there being no Act of Parliament, that I ever heard of, for disabling Jews from purchasing Lands, I conceive, that they may purchase in the same Instances, and with the same Capacity, as Christians or Protestants may purchase.

26 February 1723.

T. Lutwicke.

This, as to the Jews, I believe, is a Mistake: *Braetton* no-where, that I can find, says any thing like it.

Mr.

Mr. Reeve, afterwards Chief Justice of the Common-Pleas.  
I know of no Law that hath made *Jews* incapable of purchasing Lands; and am of Opinion, that a *Jew*, that is a natural-born Subject, or naturalized, or made Denizen, may purchase Lands.

25 February 1723.

*Tho. Reeve.*

Mr. Talbot, afterwards Lord High Chancellor of Great Britain.

I am of Opinion, That he may purchase: Purchases by *Jews* are not frequent; but I don't know of any Laws which make them incapable of purchasing upon account of their Religion.

26th February 1723.

*C. Talbot.*

Sir Clement Wearg, Sollicitor-General.

I don't think there is a sufficient Foundation for that common Notion, that the *Jews* are not intitled to the same Civil Rights with People of other Religions: I apprehend, while they are Aliens, they are subject to the Incapacities of Aliens; when they are made *Denizens, or if born in England,* they are intitled to the same Civil Rights with Persons of other Persuasions, that are made *Denizens, or born in England.*

26th February 1723.

*C. Wearg.*

It is observable, that these Opinions were given separately, without any of the learned Persons meeting in Consultation to agree in Opinion on the Point in question; Copies of the Case and Opinions were distributed; and they were alluded to by several Members, in the Debate of the Clause: The Result was, that the Parliament passed the Clause, which proves, that the Parliament then thought the Proposition contained in these Opinions; "That *Jews* were, at that time, Persons capable, by the Laws of this Kingdom, to purchase and hold real Estates," to be true: If the Parliament had not thought so, its Interposition was altogether improper and nugatory.

In 1740. an Act of Parliament passed, whereby foreign *Jews* residing for Seven Years in any of his Majesty's American Colonies are, by express Words, permitted to be naturalized,

naturalized, without their taking the Sacrament; and this Act requiring every Person, that claimed the Benefit of it, to take the Oath of Abjuration <sup>z</sup>, there was inserted in it a Clause for omitting, out of the Oath of Abjuration, the Words *upon the true Faith of a Christian*, when taken by a Jew.

The passing this Law in 1740. occasioned no Clamour; and, after an Experience of Thirteen Years, and several Hundred Jews naturalized under it, it does not appear to have produced any one bad Effect, or to have ever been complained of.—It is difficult to assign a Reason why a Law passed in 1753. which does not naturalize a single Jew, and, in the Opinion of the most sanguine of its Friends, was never expected to lead the way to the naturalizing Five Persons in a Session, should be a Dishonour to Religion, dangerous to the Constitution, or prejudicial to the Interest and Trade of the Kingdom; and that a similar Law, passed in 1740. by which several Hundred Jews have already been naturalized, should deserve no bad Epithets, or have been productive of any of these imaginary Inconveniences.

To conclude: The Author apprehends he hath, in the clearest manner, established, from the uniform Opinion and Practice of the greatest Lawyers this Country hath produced, as well antient as modern, by the irresistible Evidence of Facts appearing from *original Instruments*, and public Records of the most undoubted Authenticity, and by judicial Determinations, that, ‘a Jew born within the British Dominions was, before the making the Act of the last Session of Parliament, a Person capable by Law to purchase and hold Lands to him, and his Heirs.’

By discussing this important Question, he is sensible he shall disoblige many worthy Persons, who have taken their Lead—That he shall draw upon himself a Profusion of Abuse from the Evening Writers, whose Scurrility is too

<sup>z</sup> The taking the Oath of Abjuration is not required by the Statute of King James, and is not usually taken by Persons naturalized by particular private Acts of Parliament; and therefore it was unnecessary to make any Provision concerning it in the Act of the last Session.

low to give him Pain, or deserve an Answer.—Their good Name would indeed affect him, as he has ever endeavoured not to merit it — But he had many Reasons which made it not to be avoided.

The Part the Author took in solliciting the Bill in question, he esteems no Reproach: Had he refused to assist the Persons concerned, by whom, and for whom, he had, for more than Thirty Years, been employed in the Course of a Profession he was about to retire from, and from many of whom he had, early in Life, received repeated Civilities and Obligations, his own Mind must have accused him of Ingratitude.—His endeavouring afterwards to defend the Principles of the Bill in question, became necessary, from the unjustifiable Freedom and Scurrility with which some Writers against the Bill have treated him, because he asserted what now appears to be unquestionably true.

If, in doing this, he hath, as probably he must have, committed any Errors, the Publick may be assured they did not proceed from Design; but were owing to Mistake, or, perhaps, to that Bias, more to one Side of the Proposition than the other, which every Writer is under.

As to the Arguments of Expediency, &c. which have been made use of against the Bill, and to induce the repealing it, the Author will only observe, That if *Jews, quatenus Jews*, had been, by the Common Law, incapable of purchasing real Estates, the naturalizing them by Parliament will not necessarily remove that Incapacity; and that, if this Bill should be repealed, upon a Principle, that a *Jew's Religion* renders him incapable of purchasing Lands, and of being intitled to the Civil Rights of natural-born Subjects, it may be introductory of a new Doctrine inconsistent with the Freedom and Spirit of true Revolution Principles; and which, by Parity of Reason, may, in future times, be applied to Dissenters, and Roman Catholics, to Deists, and any other Sect of Persons, that shall hereafter happen to be branded with the Name of Infidel.

*Lincoln's-Inn, 2d November 1753.*

*F I N I S.*



# APPENDIX.

CONTAINING

## COPIES of PUBLIC RECORDS relating to the JEWS.

**H**ÆC est finalis Concordia facta in Curiâ Domini Regis apud Oxenford' in Octabis S'c'i Ylarij, Anno Regni Regis H. secundi xxxv<sup>to</sup>. coram Joh' Episcopo Norewic. & Ran' de Glanvil' Justiciâ Domini Regis, & Godefrido de Luci, & Ricardo Thesaurario, & Rad. Archidiacono Colecestriæ, & Rogero filio Reinfridi, & Michaele Belet, & Roberto de Witefeld, & alijs fidelibus Domini Regis, qui ibi tunc aderant, inter Willielmum de Curzun, & Jornetum *Judæum* de Norewic' de uno Masagio in Villâ Norewic, quod Will'us clamavit versus ipsum Jornetum, & unde placitum fuit inter eos in Curiâ Domini Regis ; scilicet quod præfatus Will'us concessit præfato Jorneto, prædictum Masagium, & hæredibus suis, tenendum de eo, & hæredibus suis, per servicium V solidorum per annum, pro omni Servitio, et pro hac Concordiâ præfatus Jornetus dedit prædicto Will'o quinq; Marcas Argenti,

Nº I.

35<sup>o</sup> Hen. 2.  
Anno 1189. Ex  
Autographo in  
Recepta Scae-  
carij.

There are but *Four* Fines of the Reign of King *Henry the 2<sup>d</sup>.* now remaining in the King's Treasury of the Receipt of the Exchequer.

[A]

Hæc

Nº 2.  
9<sup>o</sup> Ric. I. A<sup>o</sup>  
1199. Ex Au-  
tographo in Re-  
cepta Scaccarij.

Hæc est finalis Concordia facta in Curiâ Domini Regis apud Westm' ad Scaccarium Paschæ, die Dominicâ proximâ post festum Sci' Marci Evangelistæ, anno regni Regis Ricardi nono, coram H. Cantuariensi Archiepiscopo, Ric'o Elyensi Archidiacono, Simone de Pateshull', Ric'ode Heriet, Osberto filio Hervei, Magistro Thoma de Hufseburn, Henrico de Wichenton' Justiciariis Domini Regis, & coram alijs Baronibus & fidelibus Domini Regis ibidem tunc præsentibus inter Philippum, filium Galfridi, petentem, & Jacobum *Judæum*, filium Samuel' de Norhamton, tenentem, de quodam masuagio cum pertinentijs in Norhamtonâ; unde placitum fuit inter eos in Curia Domini Regis, scilicet quod prædictus Philippus concessit prædictum masuagium cum pertinentijs præfato Jacobo, filio Samuel' de Norhamton, tenendum & habendum de se & hæredibus suis sibi & hæredibus suis, in feodo, & hæreditate liberè & quiete, & finabiliter; Reddendo inde Annuatim ad festum Sci' Michaelis quatuordecim denarios, et ad Natale Domini duos Capones, pro omnibus Servitijs, præfato Philippo, vel hæredibus suis, pertinentibus. Et pro hac concessione & hac finali Concordia prædictus Jacobus, filius Samuel' de Norhamton, dedit prælibato Philippo, filio Galfridi, Tres Marcas Argenti & dimidiā, & idem Philippus debet warantizare predictum masuagium cum pertinentijs præfato Jacobo secundum Legem Civitatis Norhamton' contra omnes hamiles per Servicium prænominatum.

NORH'T.

Nº 3.  
Placita 4 Joh.  
Rot. 5. dorso.

Placita capta apud Bedeford a Die Sancti Michaelis in tres Septim' coram Simon de Pateshull, & Rich' de Faukenbrig, & Sociis suis, Anno Regni Regis Johannis 4<sup>o</sup>, Rot. 5. in dorso Hundr' de Clifton.

Robertus de Sutton appellat Bonefand *Judæum* de Bedeford, quod ipse in Pace Domini Regis & nequiter fecit ementulare Ricardum Nepotem suum, unde ipse obiit: Ita quod ipse fecit portare eum usque in Terram suam de Hackton; quam ipse habet in Vadio, & ibi obiit: et hoc offert probare. Et tunc Bonefand venit, & defendit totum, et offert Domini Regi i. Marc' pro habenda Inquisitione, utrum sit inde culpabilis vel non: Et Juratores inquisiti dicunt, quod non est culpabilis inde: et ideo Bonefand sit quietus, & Robertus in Misericordia pro falso appello.

Custodiatur.

*Effeſor.* ¶ *J* Mathæus Mancel ſummonitus fuit ad oſtendendum  
*Hertf.* quare ipſe noluit facere Moſſe, filio Bruni, plenariam  
 Seiſinam de vadio ſuo de Standon', unde ipſe ei attulit präceptum  
 Justic' noſtri quòd ipſe faceret ei habere Seiſinam inde, ſicut ille  
 illud recuperavit in Comitatu. Et unde idem *Judæus* dicit, quòd  
 quando ipſe debuit ei facere Seiſina' inde, ipſe misit quendam  
 ſervientem, Ricardum nomine, cum eodem Moſſe, qui nichil  
 ei fecit niſi quendam ſimplicem Seiſinam de Domibus & Grangijs,  
 ita quòd cum deberet facere homines venire Villæ ad faciendum  
 ei fidelitatem, ipſe noluit, ſed ſic receffit; ita quòd nullus homi-  
 num villa voluit eum receptare, nec aliquem ex parte ſuâ; unde  
 ipſe acceſſit ad Dominum Justic', & ei oſtendit quòd ipſe fuit in  
 debito Regis, & impotravit ab eo quòd ipſe misit ad vicecomitem  
 Breve ſuum, in quo continebatur quòd ipſe faceret Denarios de  
 Catallis quæ ibi fuerunt ad opus Domini Regis, & illos haberet  
 apud Westm' à die Sci' Mich' in xv dies, et tunc non habuit  
 illos ibi; unde ipſe tulit alijud Breve ad vicecomitem quòd illud  
 faceret, & quòd eſſet responsurus à die Sci' Hillarij in xv dies  
 quare hoc non fecit.

Nº 4.

Placita de Ter-  
 minis Paſchæ et  
 Sanctæ Trinitatis,  
 Aº Nono inci-  
 piente 10º Regis  
 Johannis, Rot.  
 3º ad Receptam  
 Scaccarij adier-  
 vata.

*J* Viſecomes autem venit, & dicit, quòd ipſe fecit ei Seiſinam  
 ſecundùm quod Justic' ei präcepit, ita quòd ipſem et acceſſit ad  
 Manerium de Standon, & ei fecit inde Seiſinam, cum Catallis  
 quæ inventa fuerunt ibi, ita quòd ipſe habuit Claves Grangiariu'  
 & inde producit Sectam; & quando ipſe habuit präceptum de  
 Bladis, & alijs Catallis, vendendis, ipſe illuc acceſſit, & non  
 invenit niſi tantum iij. Boves, & ij. Averios, & illos optulit ad  
 vendendum, ſed nullus voluit Catalla illa emere. Bladum nul-  
 lum invenit, nec ſcit utrum Judæus illud amoavit, nec ne; & ipſe  
 poſtea hoc monſtravit Justic' Judæorum, ſcilicet Thomæ de  
 Nevill', qui non warantizavit ei quòd veniſſet à die Sci' Mich' in  
 xv dies, ſicut ei präceptum fuit, & ſicut continebatur in Breve  
 Justic' quòd ibi eſſe deberet; & ideo Viſecomes in miſericordiā,  
 & Judæus habeat Seiſinam ſuam.

Nº 5.

Hæc eſt finalis Concordia facta in Curiā Domini Regis aptid  
 Rockingeſham, die Lunæ proximâ poſt festum Sancti Jacobi Apo-  
 stoli, anno Regni Regis Johannis decimo, coram ipſo Domino  
 Rege, Simone de Pateshull, Jacobo de Poterne, Justic', & alijs  
 fidelibus Domini Regis tunc ibi präſentibus, inter Robertum de  
 Norfolk & Theofaniam uxorem ſuam petentes, per ipsum Ro-  
 bertum

10º Regis Joha-  
 nis, Aº 1209.  
 Ex Autographo  
 in Recepta Scac-  
 carij.

bertum positum loco ipsius Theofaniæ ad lucrandum vel per-  
dendum, & Isaac *Judæum*, filium Joscei Episcopi, tenentem,  
de uno mesagio cum pertinentijs in London', quod fuit Reinardus  
Mercerij, in Parochiâ Sancti Olavi ; unde placitum fuit inter eos  
in præfatâ Curiâ, scilicet quod prædicti Robertus & Theofania  
Remiserunt, & quietum clamaverunt, de se & hæredibus ipsius  
Theofaniæ præditto Isaac, & hæredibus suis imperpetuum, To-  
tum jus & clamium quod ipsi habuerunt in prædicto mesagio cum  
pertinentijs : Et pro hac quietâ clamatione, & Fine, & Concor-  
diâ, idem Isaac dedit prædictis Roberto & Theofaniæ quin-  
decim Marcas Argenti ; et Sciendum quod prædicti Robertus &  
Theofania reddiderunt eidem Isaac Cartam quam ipsi habuerunt  
de ipso mesagio, sub nomine Reinardi Mercerij.

## MIDDLESEX'.

There are few Instances of *Lands* being purchased by any Person, Christian or Jew, from the Conquest to the Reign of H. III. the Method of raising Money, which almost universally obtained during that Period, among Proprietors of Lands, was by way of *Gage*, or *Mortgage*, which the Jews and Christians had an equal Right to become *Gagees* or *Mortgagees* of.

## Nº 6.

Placita a die Scii' Mich'is in 15 dies Anno Regni Regis Johannis 15° capta apud Westm' Rot. 2° ad Recepta Sacra' carij adservata.

*Linc'* /  
Affisa venit recognitura si Robertus de Kanvill' in-  
justè, & sine Judicio, disseisiverit Will'um Couse, & Beatricem  
uxorem ejus, de Libero Tenemento suo in *Linc'*, infra *Affissam* ;  
& Robertus venit, & dicit, quod affisa non debet procedere ;  
Quia ipse habet Seisinam inde per præceptum Domini Regis, ut  
ille qui fecit finem cum *Judæis*, quibus idem Will'us debuit  
debitum super Tenementum illud ; unde ipse profert Cartas Ju-  
dæorum quas ipse adquietavit per finem illum, & vocat Justic' Ju-  
dæorum ad warantum, quod habuit inde Seisinam per eos, ut  
de vadio suo ; Quia nichil Juris clamat in Tenemento, nisi ut  
de vadio ; et Justic' Judæorum hoc ei warantizant. Et ideo  
Consideratum est, quod Will'us in Misericordiâ, & Robertus  
teneat ut vadium suu'.

Mia'

It appears from these Records, that *Tenens in vadío*, Tenant in *Gage*, or *Mortgage*, had an actual *Seisin*, and *Freehold*, in the *gaged*, or *mortgaged* Premises. And *Glanvil*, who was Chief Justice of *England* in the Reign of H. II. says, That one of the common and usual *Affises* of the Realm at that Time was,

“ Utrum

“ Utrum aliquis fuerit Seisitus de aliquo Libero Tenemento,  
“ die quâ obijt, ut de feodo, vel ut de vadio. Glanvil. lib.  
13. c. 2. & c. 26, 27, 28, & 29.

Universis Sanctæ Matris Ecclesiæ filiis: Thomas Prior Sancti Gregorij Cantuariensis, ejusdemque loci conventus, salutem in Domino. Noverint universitas vestra, nos, de communi assensu totius capituli nostri, dedisse, concessisse, et hac presenti carta nostra confirmasse, Miskan, *Judææ*, reliete David, totum illud mesagium nostrum, cum toto edificio desuper facto, in ligno et lapide, quod jacit inter mesuagium quod fuit Cressie Judei Cantuariensi' versus orientem, et venellam que vocatur venella Ominus Sanctorum versus occidentem, et inter mesagium laterum Hospital' Sancti Thomæ versus aquilonem, et regiam strataam versus austrum; tenendum et habendum de nobis, et de successoribus nostris, sibi, et heredibus suis, et cuicunque, dare, vendere, vel assignare, voluerit; excepta Domo Religionis, liberè, quietè, jure hereditario, in perpetuum; reddendo inde annuatim nobis, et successoribus nostris, viginti denarios ad duos terminos; scilicet, ad Nativitatem Domini decem denarios, et ad Nativitatem Sancti Johannis Baptiste decem denarios, pro omnibus serviciis, omni occasione remota: Et nos et successores nostri warrantabimus totum prædictum mesuagium, cum omnibus pertinenciis suis pariter, et defendemus prædictæ Miskan, et heredibus suis, et cuicunque, dare, vendere, vel assignare, voluerit; excepta Domo Religionis, contra omnes homines et feminas per prædictum annum servitium, omni occasione remota: pro hac autem donatione, concessione, cartæ hujus confirmatione, et warrantatione, facta et recordata in burgemot' civitatis Cantuariensi' et pro sigilli nostri impressione dedit nobis prædicta Miskana triginta marcas sterlingorum in gersumam. Actum anno regni Domini Henrici regis, filii Johannis regis, vicesimo quarto, octavo decimo die Octobris: Hjs testibus, Nicholao de Heford, Godum Speciar' tunc ballivis civitatis Cantuarien', Johanne filio Temi, Johanne filio Roberti, Johanne de Chich, Henrico Le Jai, Lamb' Flameng, Roberto Tolo, Hugone Mauban Columbius, Clerico Warwino, Clerico Ricardo, de Judaismo.

Notum sit omnibus præsens scriptum visuris vel audituris, quod ego Galfridus de Stureja dedi, concessi, et hac præsenti carta mea confirmavi, Mero filio Ysaac *Judeo* totum illud mesuagium meum cum pertinenciis suis, quod est in parochia Beatae Mariæ

de

Nº 7.

Ex Autog. inter  
Record. Eccl.  
Westm.

24 H. 3,

Nº 8.

Ex Autographo  
inter Arch. Eccl.  
Colleg. Westm.

de Bredmanne, jacens inter terram Thomæ Speciarii versus orientem, et regiam stratam versus occidentem, et inter terram Nigell Thalebot versum boream et austrum, continens in longitudine sexaginta et septendecim pedes, et in latitudine versus orientem viginti et octo pedes, et versus regiam stratam viginti et septem pedes, tenend' et habend' sibi, et heredibus suis, vel suis assignatis, de me, et heredibus meis, liberè, quietè, jure hereditario, in perpetuum; faciendo dominis feodi servicium inde annuatim debitum; videlicet, Thomæ Cannel duos solidos de redditu ad duos anni terminos; scilicet, ad medium quadragesimam duodecim denarios, et ad festum Sancti Michaelis duodecim denarios, et Aldithe filiae Walteri Carpenterij duodecim denarios ad festum Sancti Jacobi Apostoli, et Rogero Thalebot unum denarium ad medium Quadragesimam; et reddendo inde annuatim mihi, et heredibus meis, ipse et heredes sui, ad medium quadragesimam, tres denarios de forgabulo pro omni servicio seculari ad me, vel ad heredes meos, pertinente: et ego praedictus Galfridus, et heredes mei warrantizabimus totum praedictum mesuagium cum pertinentijs predicto Mero, et heredibus suis, et suis assignatis, contra omnes homines et feminas per predictum servicium; pro hac autem dominatione mea, et concessione, et carte hujus confirmatione et warrantizatione mea facta et recordata in burgimoto civitatis Cantuariensis, una cum sigilli mei impressione ad modum Cyrographat' firmiter munita, dedit mihi predictus Merus, anno regni regis Henrici, filii regis Johannis, tricesimo quarto, sexdecim marcas sterlingorum in gersumam: Hjs testibus, Johanne Dodekye, et Roberto Polter, tunc prepositis Cantuarien'; Willielmo Cokin, tunc aldermanno de Wrigat; Willielmus Braciatore, Willielmo Samuel, Willielmo Clerico de Westgate, tunc custodibus Arch' Domini Regis Cantuarien'; Johanne de Northewode, tunc constabulario Cantuarien'; Ricardio Samuel, Nigello Taleboth, Henrico Thal, Johanne Alexander, Petro Memorio, et Psalle Judeo, Aaron fratre suo, Bonamico filio Meiz, Josse filio Samsonis, Jacobo parvo, et multis aliis.

No 9.

Ex Autographo  
inter Archiv.  
Eccl. Coll.  
Westm.  
50 H. 3.

Sciant presentes et futuri, quod ego Reginaldus, filius Symonis Le Cunte, de Norwico, concessi, vendidi, et hac presenti carta mea confirmavi, Abrahe filio Deulecr' Judeo de Norwico pro viginti solidis argenti, quos mihi dedit in gersumam, duos solidos et sex denarios annui redditus percipiend' de quodam tenemento, quod Samuel filius Ysaac de Norwic' tenet; quod quidem tenementum fuit quondam Manseri filii Mer' de Bungeya; et

et jacet in villa de Norwic<sup>o</sup>, in parochia Sancti Petri de Mart<sup>us</sup>  
necroft; videlicet, inter feodum meum, quod predictus Abra-  
hamus tenet de me per serviciū duorum solidorum annuorum  
versus orientem, et feodum quod fuit Flurie de Bungeye versus  
occidentem, cum arreragijs omnibus mihi, vel predecessoribus meis  
de temporibus retroactis inde debitissimis habendis et percipiendis de  
predicto tenemento, quicunque illud tenuerit, illi, et heredibus suis,  
vel suis assignatis, aut cui et quando predictos duos solidos  
et sex denarios annuos dare, legare, vendere, vel assignare, vo-  
luerit, liberè, quiete, bene, et in pace, et hereditarie, in per-  
petuum; reddendo annuatim mihi, et heredibus meis, unum  
clavum Carioph' ad Nativitatem Sancti Johannis Baptiste pro  
omni servicio, consuetudine, et demanda: et ego predictus Re-  
ginaldus, et heredes mei warrantizabimus, defendemus, et ad-  
quietabimus predictos duos solidos et sex denarios annuos predicto  
Abrah'<sup>o</sup>, et heredibus suis, et suis assignatis, contra omnes  
Christianos in perpetuum per predictum servitium: in cuius rei  
testimonium presenti scripto sigillum meum apposui: Hijs testibus,  
Will'o de Dunewico, Adam de Tostes, Nicho' de Ely, Rogero  
de Swathing, tunc ballivis Norwic<sup>o</sup>, Will'o de Civite, et  
Simone Palmero, tunc Cyrographar<sup>o</sup>, Johanne Nade, Johanne  
de Pogwik, Hugone de Marisco, Yvone Draheswerd, Will'o  
Coco, Dyay de Rising, Samuel' de Rising, Abraham' de Sel-  
laria, Jacobo Conelin, et aliis. Actum anno regni Regis Hen-  
rici, filii Regis Johannis, quinquagesimo, per manum Rogeri  
de Hemmesby clerici.

Sciant presentes et futuri, quod ego Rogerus filius Eustatii Pi-  
storis de Norwici per assensum et voluntatem Alicie uxoris mee  
concessi, dedit, et hac presenti carta mea confirmavi, Abrahame  
filio Deuletri *Judeo* de Norwico unam soldam, cum pertinentiis  
que est in—Norwici, que fuit quidam Johannis de Lincolnia, quam adquisivi de Johanne filio predicti Johannis de Lincolnia;  
habendum et tenendum eidem Abrahame, et heredibus suis, et  
suis assignatis, de me, & heredibus meis, aut cui et quando dictus  
Abraham dictam soldam dare, legare, vendere, vel assignare,  
voluerit libere, quiete, bene, in pace, et hereditarie — in per-  
petuum; reddendo inde annuatim domui Sancte Trinitatis Nor-  
wici quinque solidos ad quatuor anni terminos usuales; scilicet,  
ad unum quemque terminum quindecim denarios, et mihi et  
Heredibus meis unum clavum Gariophiri, ad Natale Domini pro  
omni servicio, consuetudine, et demanda; et ego predictus Ro-  
gerus,

No 10.

Ex Autographo  
inter Record.  
Eccles. Colleg.  
Westm.  
53 H. III.  
Anno 1269.

gerus, et heredes mei warrantizabimus, defendemus, et adquietabimus predictam soldam cum pertinentiis, sicut predictum predicto Abrahame, et heredibus suis, et suis assignatis, contra omnes gentes in perpetuum per predictum servicium: pro hac autem concessione, donatione, et presentis carte mee confirmatione dictus Abrabam relaxavit mihi centum solidos de debito in quo ei tenebar. In cujus rei testimonium presenti scripto sigillum meum apposui, et sigillum dicte Alicie uxoris mee apponi procuravi. Testibus Nicholao de Ely, Rogero de Swerdeston, Nicholao de Ingham, Waltero Croide, tunc Ballivis Norwici, Alexandro de Retham, Willielmo de Dunewico, Willielmo le Ounce, Gunoe de Bergstrede, Henrico de Heylesdon, Rogero de Ely, Waltero Sparewe, Abrahame de Ebriaco, Ysaac filio Deuletri, Manasser filio Urlett, Dyai de Riling, Rogero Clerico, et aliis. Actum die Veneris prox' post Assumptionem Beate Marie, anno regni Regis Henrici, filii Regis Johannis, quinquagesimo tertio.

Nº 11.

Ex Autographo  
inter Record.  
Eccles. Coll.  
Westm.

Sciant presentes et futuri, quod ego Heliseus de Hokeringe, et Ysabella uxor mea concessimus, dedimus, et hac presenti carta nostra confirmavimus Abrahame filio Deuletri *Judeo*, pro quinque marcis argenti, quas nobis dedit in gersumam, unum messuagium in villa de Norwico, in parochia Sancti Stephani; videlicet, quod jacet inter terram Stephani le Ceynturer versus orientem, et terram Willelmi Cunestable versus occidentem, et extendit se in longitudine à via regia versus austrum, usque ad terram dicti Abrahame versus aquilonem, cum domibus, edificiis, et omnibus pertinentiis suis; habendum et tenendum de nobis, et heredibus nostris, illi, et heredibus suis, et suis, assignatis aut cuiuscumque, et quandocumque dare, legare, vendere, vel assignare, voluerit, in quocumque statu fuerit, libere, quiete, bene, et in pace, et hereditarie, in perpetuum; reddendo inde annuatim nobis, et heredibus nostris, unum libram cumin ad Pascha, pro omni servicio et demanda; nos vero, et heredes nostri, warrantizabimus, defendemus, et adquietabimus, predictum messuagium cum pertinentiis predicto Abrahame, et heredibus suis, et suis assignatis, per predictum servicium contra omnes gentes, tam *Christianos* quam *Judeos*. In cujus rei testimonium presenti scripto sigilla nostra apposuimus; hiis testibus; Hugone Clerico, Johanne Scoch, Adam le Grant, Rogero de Swerdestone\*, tunc Ballivis Norwici,

\* This Instrument hath no Date; but, by the Hand-writing and the Names of the Parties and Witnesses, it appears to be made much about the same time with the former.

Hugone

Hugone de Marisco, Willielmo Cunestable, Stephano de Ceynturer, Henrico de Heylesdune, Willielmo Payne, Samuele filio Ysaac, Dia de Rilinge, Isaac de Warwick, Abrahame de la Salerie, Rogero Clerico, et aliis.

Sciant presentes et futuri, quod ego Johannes Durant, et Justina uxor mea, dedimus, concessimus, et presenti carta nostra confirmavimus Vyvoni de Wyntonie *Judeo* Cantuarie totum illud mesuagium nostrum cum fundo, et omnibus ceteris suis pertinentijs, jacens in parochia Beate Marie de Bredmanne; videlicet, inter mesuagium Will'i Pykerynge versus East, et mesuagium Mossye filii Abraham Judei versus West, et terram Stephanii Petyt versus North, et regiam stratam que est versus Suth; tenendum et habendum de nobis, et heredibus nostris, predicto Vyvoni, et heredibus suis, et cuiuscunque dare, vendere, legare, vel assignare voluerit, liberè, quietè, bene, et in pace, hereditario in perpetuum; reddendo inde annuatim Jacobo de La Porte, et heredibus suis, pro nobis, et heredibus nostris, quatuor solidos et sex denarios sterlingorum ad duos anni terminos; videlicet, ad Purificationem Beate Marie Virginis viginti septem denarios, et ad Festum Sancti Petri ad Vincula viginti et septem denarios; et reddendo inde annuatim pro nobis, et heredibus nostris, monialibus de Sancto Sepulcro, et successoribus suis, quinque solidos et sex denarios ad duos terminos supradictos; videlicet, ad unumquemque terminum triginta et tres denarios; et reddendo inde annuatim heredibus Margerie filie Johannis Corbaylle unum denarium de forgabulo ad festum Sancti Petri ad Vincula predictum; et nobis, et heredibus nostris, unum obulum de forgabulo ad festum Sancti Michaelis, pro omnibus servitijs secularibus, consuetudinibus, et demandis temporalibus, omni occasione remota; et nos predicti Johannes, et Justina, et heredes nostri, warantizabimus et defendemus totum predictum mesuagium cum fundo, et ceteris suis pertinencijs, predicto Vyvoni, et heredibus suis, sive assignatis, contra omnes gentes *Christianos* et *Judeos*, per predictum servicium, in perpetuum: pro hac autem donatione, concessione, et hujus carte confirmatione et warantizatione, et defensione nostra, facta et recordata, et sigillorum nostrorum impressionibus firmiter munita, anno regni Regis Henrici Tercii quinquagesimo sexto, dedit nobis predictus Vyvo triginta et octo marcas argenti in gersumiam; et ad major' firmitatis securitatem facta est carta cyrographata, cuius una pars remanet predicto Vyvoni, et heredibus suis, sive assignatis:

[B]

No 12.

Ex Autographis  
in Arch. Eccl.  
Coll. Westm.  
56 H. III.

affignatis : reliqua vero pars posita est in archa cyrograph' Domini Regis Cantuar', in testimonium veritatis : hijs testibus, Thoma Chitch et Symon Paable, tunc ballivis Cantuarien', Johanne Digge, Daniele fil' Huberti, Petro Durante, Will'o Pikering, Thoma Man, et Johanne Huberte, tunc cyrographarijs ; Salomone de Stanford, Elya de Noramptun, et Moseo filio Abrahe, tunc cyrographarijs Judeis ; Sampson Le Prestre, Ricardo tunc clero civitatis et Judaismi, et alijs.

No 13.  
Ex Autographo Rogerus Thaleboth, cambiator Cantuarien',  
in Archiv. Ecc. Coll. Westm.  
x Ed. I.

Notum sit omnibus tam presentibus quam futuris, quod ego Rogerus Thaleboth, cambiator Cantuarien', dedi, concessi, et presenti carta mea confirmavi, Ysaac filio Benedicti *Judeo Cantuar'* totum illud mesuagium integrum cum omnibus suis pertinentijs, quod jacet in parochia Omnium Sanctorum Cantuarien', inter regiam stratam versus West; et mesuagium heredum Joccey Grubbe versus East, et versus Suth; et terram heredum Sampsonis filii Ysaac, versus North; tenend' et habend' de me, et heredibus meis, five affignatis, dicto Ysaac, et heredibus suis, et cuicunque dare, vendere, vel affignare voluer', liberè, quietè, bene, et in pace, hereditar' in perpetuum; reddendo inde annuatim pro me, et heredibus meis, in thesaurar' Ecclesie Christi, triginta et duos denarios ad duos terminos anni; videlicet, ad medium quadragesimam sexdecim denarios; et ad fessum Sancti Michaelis sexdecim denarios; et mihi, et heredibus meis, annuatim unum denarium de forgabulo ad Nativitatem Domini pro omnibus servicijs secularibus, consuetudinibus, et demandis, omni occasione remota: et ego predictus Rogerus, et heredes mei, warantizabimus totum predictum mesuagium cum suis pertinentijs predicto Ysaac, et heredibus suis, five affignatis, contra omnes gentes *Christianos* et *Judeos*, per predictum servitium in perpetuum: Pro hac autem donatione, concessione, et hujus carte confirmatione et warantizatione mea facta, et recordata anno Regis Eadwardi primo, dedit mihi predictus Ysaac quatuor marcas argenti in gersumiam: in cuius rei testimonium presentem cartam in modum cyrographi consecram sibi fieri feci in perpetuum duraturam; cuius una pars remanebit penes se, et heredes suos; reliqua vero pars in archam cyrographar' *Judeorum Cantuarien'* in thesauro: hijs testibus, Will'o de la Sale, Petro Durant, tunc ballivis Cantuar'; Roberto Polr', Johanne Digge, Thoma Chiche, Jacobo de La Porte, Will'mo Le Sunener, Henrico Canon, Anselino Pistor', Salom de Crantebr', Vyvon de Wynton, Elya de Norampton, Ricardo Clerico Cantuarien', et alijs.

Peticiones

Peticiones coram Domino Rege ad Parliamentum post Festum  
Sancti Mich'is anno Regni Regis Edwardi 18<sup>vo</sup>.

Nº 14.

18. Edw. 1.  
A° 1290. Rot.  
Parl. Rot. 1°.

*Johannes Godsalme invadiavit Terram suam Hagino, filio Magistri Mosey, et idem *Judæus* vendidit Terram illam Jacobo de Audit, et idem Jacobus Laurentio de Brok; quam Terram Hugo de Brok nunc tenet. Et petit Remedium qualiter ei debeat subveniri.*

Respons'—In Cancellaria habeat Breve.

Rex omnibus, ad quos, &c. salutem. Cum affignaverimus dilectum clericum nostrum Hugonem de Kendale ad domus, redditus, et tenementa, que fuerunt *Judeorum* nostrorum per Angliam apprecianda, extendenda, et vendenda, per confilium quorundam sibi associandorum; ita quod vicecomit' nostri, in quotum comitatibus Judei illi conversantes fuerint, pecuniam inde provenientem recipient per visum et contrarotulum ipsius Hugonis, et inde ad scaccarium nostrum ijdem vicecom' onerentur; et quod pecunia illa, si necesse fuerit, in tuto loco per confilium ipsius Hugonis per ipsos vicecomites ponatur, nobismittenda ad mandatum nostrum; vobis mandamus, quod eidem Hugoni in premissis intendentis sitis, credentes, consiliantes, et auxiliantes, cum ab eodem fueritis requisiti; nos enim venditiones per ipsum factas et faciendas ratas habemus et acceptas; et cartas nostras omnibus et singulis domos, redditus, seu tenementa hujusmodi ementibus, fieri facimus. In cujus, &c. Teste Rege apud Asherig' decimo octavo die Januarij.

Nº 15.

De Domibus et  
Redditibus Judeo-  
rum vendend. Rot.  
Pat. 19. Ed. 1.  
membr. 21.

Rex omnibus, ad quos, &c. salutem. Sciatis, quod concedimus pro nobis, et heredibus nostris, Isabelle, que fuit uxor Ade de Sancto Albano junior' domos illas cum pertinencijs in London, que fuerunt Leonis filii Crefsey, fil' magistri Elie *Judei* de parochia Sancti Martini Pomer in Ismongerslane, per exilium ejusdem Judei a regno nostro, tanquam escaeta nostra in manu nostra existen', et que ad quatuor marcas extenduntur; habend' et tenend' eidem Isabelle, et heredibus suis, de nobis, et heredibus nostris in perpetuum; reddendo inde nobis, et heredibus nostris, unum denarium per manus vicecom' ejusdem civitatis singulis annis ad scaccarium nostrum Pasche; et faciendo alijs dominis feodi illius servicia inde debita et consueta: in cujus, &c. T. R. apud Ashrugge, 27<sup>o</sup> die Decembris, anno regni Regis Edwardi filii Regis Henrici 19<sup>o</sup>.

Nº 16.

Rot. 19 Ed. 1.  
de Dom. Judeo-  
rum concess. m.  
i. Nº 1.

Nº 17.  
Placita de Quo  
Warranto.  
3º Edward 3.  
Aº 1330.  
Rot. 38.

Placita de Quo Waranto, coram Galfrido Le Scrop', & Socijs suis Justiciarijs Dominij Regis Itinerantibus apud Norhampton, die Lunæ proximâ post festum omnium Sanctorum, anno Regni Regis Edwardi tertij à Conquestu tertio.

Scrop'.

*¶ A Quo Waranto was brought against Hugh de Audele & Margaret his Wife, for various Franchises claimed by them in several Manors, and Lands, within the County of Northampton, and amongst them, Quo waranto clamant habere visum franci plegij, & emendas Affisæ panis & Cervisiæ fractæ, Pillorium, & Tumbrellum, & quicquid ad visum franci plegij pertinet, Infangenthof, Weyf, & Stray, in Manerio suo de Navisby, & liberam warannem in omnibus Dominicis Terris suis in eodem Manerio ; et habere visum franci plegij, Emendas Affisæ Panis & Cervisiæ fractæ, & quicquid ad visum franci plegij pertinet, in Manerio suo de Whiston.*

Et prædicti Hugo & Margareta, per Ricardum de Cranesle Attornatum suum, veniunt, & dicunt, quod prædicta Maneria & Libertates prædictæ quondam fuerunt in Seisinâ cujusdam Gilberti de Clare, nuper Comitis Glouc', post cuius Mortem descendebant quibusdam Margaretae, nunc uxori prædicti Hugonis, & Alianoræ, nunc uxori Willielmi La Souch' Mortymer, & Elizabethæ de Burgh, ut Sororibus & hæredibus ; et dicunt quod postmodum in Cancellariâ assignata fuerunt prædictæ Margaretae prædicta Maneria cum libertatibus prædictis in Comitatu isto, unâ cum alijs in alijs Comitatibus, tenenda in Proprietatem, ipsam contingentem, de Hæreditate quæ fuit prædicti Comitis, &c. Unde non possunt sine prædictis Willielmo, et Alianorâ, et Elizabethâ, participibus, &c. inde respondere, et petunt Auxilium, &c. Habeant, &c. Ideò ipsis summoneantur, quod sint hic die Mercurij proximâ ante Festum Pentecostes.

Ad quem diem veniunt prædicti Hugo & Margareta, &c.— Et quoad prædictum visum, et Emendas Affisæ Panis & Cervisiæ fractæ, superius clamatas in prædicto Manerio de Whiston, dicunt, quod idem Manerium, ad quod idem visus pertinet, fuit in Seisinâ cujusdam Willielmi de Whiston, qui de eodem Manerio, cum pertinentijs, feoffavit quendam Mosseum *Judeum*, tenendum sibi & hæredibus suis imperpetuum ; qui quidem Mosseus de eodem Manerio feoffavit quendam Ricardum, Comitem Glouc' ; et de ipso Ricardo, descendit idem Manerium, ad quod, &c. cuidam Gilberto, ut filio, &c. et de ipso Gilberto, cuidam

euidam Gilberto, ut filio ; et de ipso Gilberto, quia obijt sine  
hærede, &c. descendit idem Manerium cum Visu prædicto,  
eisdem Margaretæ, & alijs, ut Sororibus, &c. Quæ quidem  
Maneria de Navysby, & Whiston, cum pertinentijs, assignata  
fuerunt eidem Margaretæ in propartem, sicut prædictum est ; et  
eo waranto dicunt quòd ipsi, Hugo & Margareta, à tempore  
Mortis prædicti Gilberti fratri, &c. et idem Gilbertus, dum  
vixit, & ante ipsum antecessores sui, et eorum Feoffatores, ac  
etiam ipsorum Feoffatorum antecessores, à tempore quo non extat  
Memoria, seisisi fuerunt de prædictis Libertatibus, tanquam per-  
tinentibus ad prædicta Maneria, & Villas, et sic clamant ipsi  
omnes Libertates supradictas, &c.—

Et Ricardus de Aldeburgh, qui sequitur pro Domino Rege,  
dicit, quòd prædictus Gilbertus de Clare, quondam Comes  
Glouc', avus prædictæ Margaretæ, omnia Maneria, Villas, &  
Libertates prædictas, &c. reddidit in manum Domini Edwardi  
nuper Regis Angliæ, avi Domini Regis nunc, per cuius Reddi-  
tionem idem Edwardus Rex avus, &c. de eisdem fuit seisisus in  
Dominico suo, ut de feodo, & Jure ; ac prædicti Hugo & Mar-  
gareta superius clamant Libertates prædictas per præscriptionem  
temporis, quæ per Possessionem prædicti Regis Edwardi fuit in-  
terrupta', prout paratus est verificare per Recordum Cancellariæ,  
unde petit Judicium pro Domino Rege, si prædicti Hugo &  
Margareta Libertates prædictas, per talem Præscriptionem inter-  
ruptam, clamare possint, &c.

Et Dies datus est eis de audiendo Judicio suo coram Domino  
Rege ubiqunq; &c. à die Sancti Michaelis in xv dies.

Rex dilectis et fidelibus suis Johanni de Lovetot, et Gregorio  
de Rokesle, salutem. Cu'm non liceat Christianis aliquibus pe-  
cuniā aliquam, seu bona alia pro usuris, ratione prestiti, vel  
colore alterius emolumenti inde percipiendi, alicui committere,  
seu pro hujusmodi commissione, vel prestito, quocunque pacto,  
seu contractu, pecuniā aliquam extra summam rei præstitæ  
ab aliquo exigere vel extorquere ; et quidam Christiani de co-  
mitat' Surry, et civitate nostra London, ut accepimus, illicita  
cupiditate ducti, Judaizantes, ac pecuniā, et bona alia, Chri-  
stianis alijs indigentibus mutuo committentes, terminis statutis  
rebus suis, quas mutuo tradiderunt, sibi restitutis, pecuniā illam  
pro hujusmodi beneficio exigant, et vadia sibi impignorata deti-  
neant, et alias distinctiones gravissimas eiſ faciant, et fieri pro-  
curent, donec eorum cupiditati illicitæ satisfiat, in Christiani  
nominis

No 18.

Rot. Pat. 5 Ed.  
1. m. 26. No 1  
a tergo, de inqui-  
sition' fact' de  
usur'.

nominis scandalum, et hujusmodi usuras præstantium jacturam et dampnum non modicum et gravamen; quod sustinere nolumus, sicut nec debemus; assignavimus vos ad inquisitionem per sacramentum, &c. de comitatu et civitate prædictis, per quos, &c. de hujusmodi usurar', et ad plenam et celerem justiciam de eis fac' secundum legem, &c. Et ideo vobis mandamus, quod certos, &c. inquisitionem illam facturi, &c. salvis, &c. mandavimus enim vicecomit' nostris Surrey et London', quod ad certos, &c. venire, facere, &c. In cuius, &c. Teste, &c. apud Windes' decimo tertio die Decembri.

Nº 19.  
Ex Autographo  
n Archiv. Ecel.  
Coll. Westm.  
19 H. 3.

Sciant presentes et futuri, quod ego Lancelinus de Stok' debeo Vivoni Le Normann' *Judeo* quingent' marcas, reddend' ad Pasch' anno Regis Henrici Tertii decimo nono: et, nisi tunc reddo, dabo ei unaquaque hebdomada pro qualibet libra duos denarios de lucro, quamdiu predictum debitum per gratum suum tenuero; et ideo invadio ei omnes terras meas et catalla. Actum die Jovis, in crastino Sancte Lucie, anno eodem; et ego Robertus Dod de Nottingham sum pleg'.

Nº 21.  
Letters Patents,  
3 Feb. 24 H. 3.

Was this an Act  
of Parliament?

Henricus Dei gratia Rex Angl', Dominus Hibern', Dux Norman', Acquitani, et Comes Andeg', Vicecomiti Essex', et Constabular' Colcest', salutem: Sciatis quod ad meliorationem regni nostri, et maliciam Judæorum reprimendam, in crastino Sancti Edmundi, anno regni nostri vicesimo quarto, provisum fuit apud Winton', *de concilio nostro*, coram nobis, S. de Segrave fratre G. Elemosinar' nostro, D. de Crycill senescallo nostro, magistro M. de Esteyland, G. le Despenser, et alliis fidelibus nostris tunc ibidem presentibus, quod custodes Arche Cyr' Judæorum Colecestr', et clerici scriptores, amoveantur, et quod per visum vestrum, et quatuor proborum et legalium hominum de villa Colecestr', quos vobiscum ad hoc assumetis, elegantur duo alij de legalioribus et discretioribus Christianis, et duo alij de legalioribus Judæis Colecestr', quibus archa committatur custodienda; quorum unusquisque suam habeat clavem per visum, et vestrum, et predictorum proborum hominum elegantur duo clerici fideles, qui jurati quod fideliter se habebunt in officio illo, cetero intendant ad omnia scripta inter Christianos et Judæos conficienda, qui in presencia Christiani mutuo pecuniam recipientis, et Judæi mutuo pecuniam tradentis, inter quos scriptum conficitur, tradant partem illam scripti, ad quam sigill' cera dependet, prædictis cyrographar' in archa ponend', infra decimum diem

diem quo scriptum illud fuerit consecutum ad tardius : Item prima pars illius scripti remaneat penes Christianum illum qui debitum illud mutuo acceperit ; et secunda pars que pes cyrograph' nuncupatur, et que solebat in archa reponi, remaneat penes Judæum, a quo debitum illud fuerit mutuatum, ita quod liceat ei debitum suum per p̄dem illum petere et placitare, omni eodem modo quo solebat per partem illam, ad quam cera fuit appensa ; et pars illa, ad quam cera dependet, in archa reponatur, ut predictum est : Et si quis Christianus de predictis cyrographar', vel de predictis clericis illam partem cyr', ad quam cera dependet, ultra decimum diem quo consecutum fuerit, extra archa detinere presumferit, sit in gravi misericordia nostra : Si autem Judæus sic illa detinuerit, et super hoc convincatur, catallum suum nobis incurritur : Item sigillum Christiani, qui debitum illud mutuo acceperit, in cuius impressione nomen ejus scribatur, illi parti dependeat, que in archa debet deponi : Item omnes Judæi Anglie, ubicumque fuerint manentes, die Sancti Mich'is ibidem manent cum tota familia sua per totum illum annum integrum continue sequentem, nec se amoveant, vel inde translatent, nisi per speciale mandatum nostrum : Et ideo vobis mandamus, quod prescriptam provisionem inrotulari, et firmiter observari, fac'. — Volumus etiam quod littere presentes in archa predicta in custodia predictorum cyr', tanquam exemplar' suorum agendorum remaneant ; nec aliquis Judeus aliquid de pecunia sua mutuo det, nisi secundum ass'm : Volumus etiam, quod usure non currant super debitum, a die Sancti Johannis Baptiste, anno regni nostri viceximo quarto, usque ad diem Natolis Dominis anno regni viceximo quarto. Teste meipso apud Westm' tertio die Februarij, anno regni nostri viceximo quarto.

Rex omnibus, &c. Quia accepimus per inquisitionem quam per constab' Turris nostræ London, et majorem et vicecomites nostras London, fieri fecimus, quod domus illa cum pertinenciis in vico de Melch-street in civitat' nostra London, quæ fuerunt Cres' fil' Mag' Mosei quondam Judæi London', non sunt, nec esse possunt, eschaeta nostra per mortem illius Cres', et quod nunquam in vita sua in aliquo deliquit contra nos ; sed tanquam bonus et fidelis Judeus bene et fideliter more Judeorum vixit, et testamentum suum, secundum consuetudinem Judaismi nostri, fecit, et domos prædict' cum omnibus pertinenciis suis Cok' fil' suo legavit in testamento prædicto. Nos eidem Cok' domos prædict', cum pertinenciis, quantum ad nos pertinet, concessimus et reddidimus ; tenend' et habend' in forma testamenti su-

N° 22.  
Rot. Pat. 54. H  
3. m. 3.

prædicti

pradicti, salvo jure cujuslibet. In cuius, &c. T. R. apud Winds. 29 die Sept.

No 23.  
Extracts from the  
Laws of Edward  
the Confessor,  
published by Sir  
Henry Spelman.

Incipiunt leges S. Edwardi Regis, quas in Anglia tenuit, et quas Willielmus haeres et cognatus suus postea confirmavit.

I. Post acquisitionem Anglie Willielmus Rex quarto anno regni sui consilio baronum suorum fecit summoneri per universos Angliæ consulatus Anglos nobiles, sapientes, et sua lege eruditos, ut eorum leges, et jura, et consuetudines ab ipsis audiret. Electi igitur de singulis totius patriæ comitatibus viri duodecim, jurejurando primum coram rege confirmaverunt, ut, quoad possunt, recto tramite incedentes, nec ad dextram, nec ad sinistram divertentes, legum suarum et consuetudinum sanctitate patefacerent, nihil prætermittentes, nihil addentes, nihil prævaricando mutantes. A legibus igitur sanctæ matris ecclesiæ sumentes exordium, quoniam per eam Rex et regnum solidum subsistendi habent fundamentum, leges, libertates, et pacem ipsius concionati sunt, dicentes.

Videtur hoc caput additum esse temp. Henr. II.

### Cap. XII. Quid sit Danegeldum, et qua occasione fit constitutum.

Hanc itaque tenuit Anglorum ecclesia libertatem, usque ad tempora Willielmi Regis junioris, qui Rufus vocabatur, donec eodem a baronibus Angliæ auxilium requirente, ad Normanniam retinendam, de Roberto fratre suo cognomento Curte-hose, Jerusalem proficiscente, concessum est ei, non lege statutum tamen, neque firmatum, sed hoc necessariis causa ex unaquaque hida sibi dare 4 solidos, ecclesia non excepta. Dum vero collectio census fieret, proclamabat sancta ecclesia suam reposcens libertatem, sed nihil profecit.

### XXII. De Judæis.

Sciendum quoque, quod omnes Judæi, ubicunque in regno sunt, sub tutela et defensione Regis ligea debent esse, nec quilibet eorum alicui diviti se potest subdere sine Regis licentia. Judæi enim et omnia sua Regis sunt. Quodsi quispiam detinuerit eos, vel pecuniam eorum, perquirat Rex, si vult, tanquam suum proprium.

### XXIII. Decretum Regis de Usurariis.

Usurarios quoque defendit Rex Edwardus, ne remaneret aliquis in toto regno suo. Et si quis inde convictus esset, quod scenus exigeret, omni substantia propria careret, et postea pro exlege haberetur. Hoc autem asserebat ille rex se audisse in curia Regis Francorum, dum ibidem moraretur, quod usura summa radix omnium vitiorum est (a).

### A List of Jews, made Denizens in the Reigns of King Charles the 2d, and James the 2d.

Nº. 24.

#### Anno 13 Car. 2.

Abraham Cohan Labatto  
 Aaron Navarro  
 Samuel Daveiga  
 David Gabay  
 David Raphael de Mercado  
 Aaron de Silva  
 Antonio Rodriguez Rezio  
 Luis Dias Guttures  
 Petrus Coen senior  
 Petrus Coen junior  
 Emanuel De Fonseca Meza

#### 14 Car. 2.

Moses Israel Pacheo  
 David Israel  
 Isaac Henriquez  
 Joseph Bueno  
 Daniel Bueno Enriques  
 David De Costa  
 Moses Hamos Gago  
 Jeronimo Rodriguez Rezio

#### 15 Car. 2.

Solomon Cardoza  
 Abraham Rodriguez

#### 16 Car. 2.

Johannes Martins Gommes  
 Ihac Serrano  
 David Baruh Lonsada  
 Moses Hengas Enriques  
 Benjamin Bueno

#### 18 Car. 2.

Isaac Pereira Contenho

#### 19 Car. 2.

Abraham Jaques Gabay  
 Abraham Levi  
 Joseph Mendez  
 David Lopez

#### 20 Car. 2.

Abraham Gomez Henriquez  
 Solomon Gabay Faro  
 David Gomez Henriquez  
 Manuell Raell Dias  
 Abraham Pereira

#### 21 Car. 2.

Jacob Bueno

#### 22 Car.

(a) This law renders that which immediately precedes it relating to the Jews more doubtful; it being inconsistent with the Jews residing here, who were known and avowed usurers.

22 Car. 2.

Abraham de Souza Mendes

30 Car. 2.

Ralph de Mercado

23 Car. 2.

Moseh Peyreyra

Abraham Espinosa

Jacob de Torres

Joseph Senior

31 Car. 2.

Lopez Pereira

Andrew Alvareo Noguera

Rowland Gideon

34 Car. 2.

Solomon Mendez Sereno

Jacob Vas Martines

36 Car. 2.

Anthonius da Costa

Samuel de Paz

1 Jac. 2.

Abrahamus Nunez

3 Jac. 2.

Manuel Henriques

Menasses Mendez

Andrew Lopez

Abraham de Mercado

Jacob Franco Nunes

Jacob Bueno Henriques junior

Joshua Bueno Henriques

John Mendez da Costa

Abraham Duens Henriques

Francisco Francia

Ferdinando Mendez

Abraham Baruh Henriques

Aaron Pereira

Alfonso Rodriguez

4 Jac. 2.

Franciscus Bernall

Antonius Rodrigues Marques

Manuel Lopez Pereyra

Nunes

29 Car. 2.

James Mazahad

Nunes Fernandes	Simon Francia
Franciscus Gomez	Benjamin Levy
Luys de Andrade	Solomon Levy
Joseph Nunes da Costa	Abraham de Paiva
Petrus Henriquez	
Pierre Henriquez	4 Jac. 2.
Phineas Gomez Serra	Abraham Coen
Antonius da Costa	Abraham Gideon
Petrus Francia	Sampson Gideon.

No 25.  
Copy of Letters  
Patents of Deni-  
zation.

Georgius, Dei gratia, Magnæ Britanniae, Franc', et Hiberniae, Rex, fidei defensor, &c. omnibus, ad quos presentes literæ nostræ pervenerint, salutem. Sciatis, quod nos, pro diversis bonis causis et considerationibus, nos ad præsens specialiter moven', de gratia nostra speciali, ac ex certa scientia et mero motu nostris, concessimus, ac, per præsentes, pro nobis, heredibus et successoribus nostris, concedimus dilectis nobis Alvaro Lopes Suasso, Mosi Lopes Pereira, Abrahamo Lopes Dias, Jacob Fonseca, Benjamino Mendes da Costa, Jacob Abenater Pimentel, Aaroni de Medina, Johann' da Costa, de civitate nostra Londin', mercator', Mosi Lopes junior' de insula nostra de Barbados in America, et Jacob Alvares de insula nostra de Nevis in America, mercator' (a), quod ipsi sint et erunt, et eor' quilibet sit et erit, indigenæ et ligei, indigena et ligeus nostri, heredum et successor' nostror', regni nostri Magnæ Britaniae; ac quod heredes sui, et eor' cuiuslibet, respectivè in omnibus tractentur, reputentur, habeantur, et gubernentur, et eor' quilibet respectivè tractetur, reputetur, habeatur, et gubernetur, tanquam fideles et fidelis ligei et ligeus nostri, heredum et successor' nostror', infra dictum regnum nostrum Magnæ Britaniae, oriund'; et quod ipsi, et eor' quilibet, et heredes sui, respectivè omn' et omnimodo actiones, sect', et querel', cujuscunque sint generis, naturae, five speciei, in quibuscunque curiis, locis, et jurisdictionibus nostris in regno nostro Magnæ Britaniae, et alibi, infra dominia nostra habere, exercere, eisque uti et gaudere, et in eisdem placitare et implacitari, respondere et responderi, defendere et defendi possint et valeant, et eor' quilibet possit et valeat, in omnibus, et per omnia, sicut aliquis fidelis ligeus noster, aut aliqui fideles subditi nostri, heredum et successor' nostror', dicto regno

(a) It is usual to put ten persons into one patent, which reduces the expence of each person's being made a free denizen to from 10/. to 15/.

nostro Magnae Britanniae nat' sive oriund'; et insuper, quod ijdem Alvaro Lopes Suasso, Moses Lopes Pereira, &c. et eor' quilibet, et heredes sui, respectivè terras, tenementa, reddit', reversion', et servit', ac al' hereditament' quaecunque, infra dictum regnum nostrum Magnae Britanniae, et al' dominia nostra perquirere, recipere, capere, habere, tenere, emere, et possidere, ac eis uti et gaudere, sibi, et heredibus suis imperpetuum, vel alio quoconque modo, eaque dare, vendere, alienare, et legare cuicunque personae, sive quibuscumque personis, sibi placuerit vel placuerint, ad libitum suum valeant et possint, valeat et possit, licetè et impunè, ac adeo liberè, quietè, integrè, et pacificè, sicut aliqui fideles ligei nostri, heredum et successorum nostror', infra regnum nostrum Magnae Britanniae oriund'; ac quod ipsi, et eor' quilibet, et heredes sui, respectivè, liberè, et licetè, clamare, retinere, et gaudere possint et valeant, possit et valeat, maneria, terras, tenementa, redditus, et hereditamenta, quaecunque sibimetipsis, aut eor' cuilibet, respectivè per nos, aut per alias personas quascunque, vel per aliquam personam quamcunque, antehac dat', concess', sive assignat', aut imposterum dand', concedend', sive assignand', adeo liberè, quietè, integrè, et pacificè, sicut aliqui fideles ligei nostri, heredum, et successor' nostror', infra dictum regnum nostrum Magnae Britanniae oriund'; ac quod ipsi, et eorum quilibet, et heredes sui respectivè omnes, et omnimod' libertates, franchises', et privileg' regni nostri Magnae Britanniae, et al' dominiorum nostrorum, liberè, quietè, et pacificè, habere et possidere, eisque uti et gaudere possint et valeant, possit et valeat, tanquam ligei nostri infra dictum nostrum regnum Magnae Britanniae nat', absque perturbatione, molestatione, impedimento, vexatione, clameo, sive gravamine quoconque nostri, heredum aut successor' nostror', aut minister' vel officiaror' nostror', aut alior' quorumcunque. Attamen volumus, ac per praesentes eisdem Alvaro Lopes Suasso, Mosi Lopes Pereira, &c. et eorum cuilibet, respectivè praecipimus, quod ipsi, et eorum quilibet, et heredes sui, respectivè homagium et ligeanciam nobis, heredibus, et successoribus nostris, faciant et faciat, et lot' et scot', prout al' ligei nostri faciunt et contribuunt, solvant et contribuant, solvat et contribuat, ut justum est; et quod ipsi, et eorum quilibet, et heredes sui, respectivè solvant et solvat nobis, heredibus et successoribus nostris, custum' et subsid' pro rebus et merchandizis suis, prout alien' mercatores (Anglice, Merchant Strangers) solvunt, et solvere debent: Proviso semper, quod ijdem Alvaro Lopes Suasso, Moses

Lopes

Lopes Pereira, &c. et eorum quilibet, et heredes sui, respectivè om' et singul', ordination', act', statut', et proclamation' dicti regni nostri Magnae Britaniae, tam edit' quam imposterum edend', teneant et teneat, eisdem obedientes et obediens sint et sit, juxta formam legum et statutorum in ea parte: Proviso etiam, et volumus, quod ipsi, et eorum quilibet, et familiae suae respective, quas nunc habent, vel imposter' habebunt, continuabunt, et residentes erunt, infra hoc regnum Magnae Britanniae, aut alibi infra dominia nostra: Proviso denique, et sub hac conditione, quod si praedicti Alvaro Lopes Suasso, Moses Lopes Pereira, &c. vel heredes sui, aut eor' aliquis, sint vel sit magistri navium, vel magister navis, vel aliquam posthac agent vel ager mercaturam, contra libertates et privilegia alicui incorporationi, vel aliquibus incorporationibus mercator' hujus regni nostri Magnae Britaniae per alias chartas, sive literas patentes, nostri, vel alicujus vel aliquor' predecessor' nostror' antehac concess', tunc hae literae nostrae patentes, quod tal' personam vel personas, quae sint vel erunt, sit vel erit, magister navis, vel magistri navium, vel agent vel ager mercaturam, ut praefertur, vacuae erunt, et nullius effectus: In cujus rei testimonium has literas nostras fieri fecimus patentes: Testibus Gulielmo Archi-episcopo Cantuar', et ceteris custodibus et justiciar' regni, apud Westm', tricesimo die Junii, anno regni nostri undecimo.

Per Breve de Privato Sigillo.

Cocks.

Sciant presentes et futuri, quod ego Hugo Bokke, et Agatha uxor mea, unanimi assensu et consensu concessimus, vendidimus, et omnino quietum clamavimus, pro nobis, et heredibus nostris imperpetuum, Abrahe filio Deuletr' Judei, et heredibus suis, et suis assignatis, aut cui et quando dare, legare, vendere, vel assignare voluerit, totum jus nostrum et clamium, quod unquam habuimus, vel aliquo jure habere potuimus, in uno mesuagio cum pertinenciis, quod jacet in parochia Sancti Stephani in Norwico; videlicet, inter terram que fuit Henrici sutoris versus austrum, et viam regiam versus aquilonem, et apud orientale abuttat super schoppas Nichol' de Dikleburg, et apud occidentale super regalem viam; habend' et tenend' dicto Abrahe, et heredibus suis, et suis assignatis, liberè, quietè, bene, et in pace, et hereditarie, in perpetuum; ita quod nec ego dictus Hugo, nec Agatha uxor mea, nec heredes nostri, sive assignati nostri, aliquid juris vel exigencie in toto dicto mesuagio cum pertinenciis

Nº 2  
Ex Auto  
in Arch.  
Westm.

pertinenciis de cetero erigere vel vindicare poterimus, ullo casu in mundo interveniente, imperpetuum; reddendo inde annuatim domino feodi servicium quod ad dictum tenementum pertinet: pro hac autem concessione, venditione, et quieta clamancia, dedit nobis predictus Abrahamus duas marcas argenti pre manibus: In hujus rei testimonium presenti scripto sigilla nostra apposuimus, hiis testibus; Hugone clerico, Rogero de Swerdeftoy, Roberto de Agewardbi, Will'o de Selverton, nunc ballivis Norwici; Ivone Draheswerd, Rogero de Lursingham, Johanne de Meuton, Johanne Sweting, Roberto Drie, Roberto de Meuton, Johanne de Byri, Roberto Fabro, Ysaac de Warwyk, Abraham Eborum, Benedict' fratre ejus, Dyai de Rising, Abrahamo de la Selerie, Rogero clericu, et aliis.

Nº 27. Sciant presentes et futuri, quod ego Semannus Wrinel de Autographo Norwic', per assensum et voluntatem Matilde uxoris mee, con- rchiv. Eccles. tm. cessi, vendidi, et omnino quiet' clamavi, pro me, et heredibus meis in perpetuum, Abrahe filio Deulecr' *Judeo* totum jus meum et clameum, quod unquam habui, vel habere potui, jure hereditario, sive aliquo alio modo, in duobus solidis annui redditus, quos Simon Wrinel pater meus quondam solebat percipere de Benedicto filio Avegaye *Judeo* pro quadam pecia terre cum pertinen- tiis jacente in Norwic'; videlicet, inter terram quondam Hugonis de Martleo versus austrum, et terram Will'i Coci versus aquileonem, et terram *Diay de Rising* versus orientem, et stratum regium versus occidentem; habend' et tenend' illi, et heredibus suis, et suis assignatis, aut cui et quando dare, legare, vendere, vel assignare voluerit, liberè, quietè, bene, in pace, et hereditarie, absque ullo retenemento, calumpnia, seu clamio mei, vel heredum meorum in perpetuum; ita quod nec ego pre- dictus Semannus, nec heredes mei, nec aliquis nomine meo, ali- quid juris vel exigencie in dictis duobus solidis annuis, nec in dicta pecia terre cum pertinenciis, de cetero exigere vel venditare poterimus, ullo casu in mundo interveniente: pro hac autem concessione, conditione, et quieta clamancia mea, dedit mihi predictus Abraha dimidiā marci argenti pre manibus: In cujus rei testimonium huic scripto sigillum meum una cum sigillo pre- dicte Matilde est appensum, hiis testibus; Domino Will'mo Sturmy, tunc custode civitatis Norwic'; Waltero Sparewe, Nich'o de Dicleburgh, Radulpho de Tetford, Will'o Coco, Hugone Wychard, *Diay de Rising*, Samuel' de Rising, Abraham' filio Urselli, Manassier filio Urselli, Rogero clericu, et aliis.

Sciant

Sciant presentes et futuri, quod ego Hugo de Marisco, et No 28.  
 Christiana uxor mea, unanimi assensu concessimus, dedimus, et Ex Autograph  
 bac presenti carta nostra confirmavimus, Abrahamo filio Deulecr<sup>i</sup>, in Archiv. E  
*Judeo Norwicen'*, pro octo libris sterlingorum, quas nobis dedit  
 in gersumam, totum mesuagium nostrum cum domibus, edificiis,  
 redditibus, et omnibus pertinentiis suis, quod est in Norwic' in  
 parochia Sancti Stephani ; videlicet, inter feodum Semanni  
 Wrinel, et terram Diay de Rising *Judei*, ex parte aquilonali ;  
 et capitale mesuagium quondam Will'i Constabularii ex parte  
 orientali, et feodum de Fakehamdam similiter ex parte orientali ;  
 et viam regiam ex parte australi, et ex parte occidentali ; ha-  
 bend' et tenend' de nobis, et heredibus nostris, illi, et heredibus  
 suis, et suis assignatis, aut cui et quando dare, legare, vendere,  
 vel assignare voluerit, liberè, quietè, bene, in pace, et heredi-  
 tarie in perpetuum ; reddendo inde annuatim ecclesie Beate Marie  
 in Campis de Norwic' duos solidos ad quatuor anni terminos usu-  
 ales pro equali portione ; scilicet, ad unumquemque terminum  
 sex denarios, et ad landgablin Domini Regis unum obulum, et  
 nobis, et heredibus nostris, unum clavum gariophiri, ad Natale  
 Domini, pro omni servicio, consuetudine, et demanda : Et  
 nos predicti Hugo et Christiana, et heredes nostri, warrantizabi-  
 mus, defendemus, et adquietabimus, totum predictum mesua-  
 gium cum pertinentiis, sicut predictum est, predicto Abrahamo, et  
 heredibus suis, et suis assignatis, contra omnes gentes in perpetuum  
 per predictum servicium : In cujus rei testimonium presenti  
 scripto sigilla nostra apposuimus, hiis testibus ; Will'o Payn,  
 Henrico de Norwicen' clericu, Rogero de Swerdeston ad' Lef-  
 peter, tunc ballivis Norwic' ; Henrico de Heylesdon, Waltero  
 Sparewe, Radulpho de Tetford, Gilberto de Eston, Simone  
 Palmero, Roberto de Coventre, Siay de Rising, Samuel' de  
 Rising, Abraam' de Eborum, Manaffer de Eborum, Rogero  
 clericu, at aliis.

Sciant presentes et futuri, quod ego Will'us Bate, filius Si- No 29.  
 monis filii Orm' de Nottingham, vendidi, concessi, et quietum Ex Autograph  
 clamavi, et hac presenti carta mea confirmavi, David de Lumb<sup>i</sup>, in Arch. E  
*Judeo*, pro decem libris sterlingorum, totum toftum meum cum  
 omnibus edificiis ibidem constructis, quod tenui de Simone filio  
 Johannis, quod jacet juxta toftum Gervasii Gambun versus  
 austrum ; tenend' et habend' predicto David', et heredibus suis,  
 vel assignatis suis, et heredibus assignatorum ejusdem, in feodo  
 et hereditate, liberè, et quietè, integre, quiet', et solut', de me,  
 et de heredibus meis in perpetuum ; reddendo inde annuatim  
 Simoni

Simoni filio Johannis, vel heredibus suis, decem solidos ad tres terminos; videlicet, quadraginta denarios ad festum Sancti Michaelis, et quadraginta denarios ad Purificationem Beate Marie, et quadraginta denarios ad festum Sancti Petri ad Vincula, et octo Gallinas, et duos gallos, ad Natale Domini, de presento pro omni servicio: ego vero, et heredes mei, warrantizabimus predictum tostum cum edificiis predicto David', et heredibus suis vel assignatis, et heredibus eorum in perpetuum, contra omnes homines: In hujus rei testimonium huic scripto in modo cyrograph' confecto sigillum meum apposui, hiis testibus; Augustino filio Will'mi, et Henrico le Taillur, tunc prepositis Nottingham; Henrico Kitt, Will'o Brian, tunc cyrographariis arche; Roberto filio Engram, Austino filio Alicie, Austin' Card', Gervasio Gambeir, Roberto de Baudewin, et aliis.

Nº 30. Sciant universi, quod ego Ricardus Bret, filius Johannes Bret de Wretigl', debeo Isaaco filio Benedicti *Jude* Lincoln' deceim libras sterlingor', reddend' ad festum Sancti Johannis Baptiste, anno regni Regis Henrici filii Regis Johannis quinquagesimo sexto; et, nisi tunc reddidero, dabo ei qualibet septimana post terminum ill', quantum pertinet ad libram, ij denarios de lucro, quamdiu dictum debitum per gratum suum tenuero; et pro predicto debito et lucro invadio ei omnes terras meas, redditus, et cataalla mea, ubicunque fuerint; et hoc tenend' pro me, et heredibus meis affido (*a*); et sigillo meo confirmavi. Actum die Sancti Martini, anno regni Regis predicti quinquagesimo sexto.

Nº 31. Sciant universi, quod ego Hugo de Nevile, miles, de Cadeneye, de com' Lincoln', debeo Bonamigeni Jac' Jud. Ebor' novies viginti lib' sterling', solvend' sexaginta lib' ad quindena Pentec', anno r. R. H. fil. R. J. quinquagesimo sexto; et sexaginta lib' ad quindena Sancti Martin' in hieme prox' sequen', et ad Pentec'; scilicet ad quinden' Pentec' prox' sequens sexaginta lib'; et, nisi tunc reddidero, dabo ei pro qualibet libra, pro qualibet septimana post terminum elaps', duos denarios de lucro, quamdiu istud debitum per gratum ejus tenuero: et ideo invadiavi ei omnes terras meas, redditus, et cataalla mea, ubicunque fuerint, donec dict' debitus et lucrum reddidero: Et hoc, affid' et sigillo meo confirmavi. Act' die Dominica prox' post fest' Sancti Martini in hieme, anno r. R. praedicti quinquagesimo sexto.

(*a*) *Affidare* signifies to plight one's faith.

Provisiones de Judaismo liberatæ ad Scaccarium, per  
Dominum Walterum de Merton.

A la feste de Seint Hillayre del an du regne le Roy Henry fiz le Roy Johan. cinquante tierz, pervieu est per memes le Roy, et per le conseil Sire Edward son fiz eyne, et des ces autres prodes hommes, a lamendement de la tere, et reliever les Crestiens des grevances que il ont eu par la Juerye de Angletere, ke totes les dettes a Gyvues qe sont foes, et qe aparmenes sunt as meines de Gyvus, et ne sont done a Crestien, ne vendu, issint qe avaunt ceo Jur. feent confirme par le Roy, vel arroule al Eschekker, soent quites a Crestiens qe les deyvent et a lour Eyres a tuz Jurs. Ensement les arrerages et les chartres par la ou eles serrunt trouees des avant dites dettes de foez, feent renduz a Crestiens de ke les dettes sont dues ou a lour eyres. Et si par aventure acune chatre fust mise en huche ou troue des ore, mès nul lu ne tyene. Et qe nul Gyvu de ceo jur en avant tel manere de dette de foe ne ne preigne, ne ne face. Et ensement que nul Gyvu ceo feo a Crestien ne venda de cest jur en avant sur forfeiture de vie et de chatel, ne Crestien ne lachate sur forfeiture de son chatel et de son heritage.

Et ensement est purveu par lavant dit Roy, et par le conseil Sire Edward, et des avant dit prodes hommes, qe nul Gyvu des ore mes ne puse vendre sa dette a Crestien si il ne eyt primes le conge le Roy. Et si Crestien la chate par le conge le Roy rien ne puisse plus aver ke le Roy ne averoit si la dette eust en sa mein, ceo est a saver, le chatel qe est trove en chartre faunz usure.

Henricus, Dei Gratia, Rex Angliae, &c. Dilectis et fidelibus Major' et Vicecomitibus suis London', et omnibus Ballivis, et Fidelibus suis, ad quos, &c. Salutem. Sciatis, quod, ad Honorem Dei, et Universalis Ecclesiae, ac emendationem; et utilitatem, Terræ nostræ, et relevationem Christianorum, de Damnis, et Gravaminibus, quæ sustinuerunt, occasione Liberorum Tenementorum, quæ Judæi Regni nostri clamabant habere, in Terris, Tenementis, Feodis, Redditibus, et aliis Tenuris: Et ne nobis, seu Communitati Regni Nostri, vel ipso Regno, possit de cætero Præjudicium generari: Providimus, de consilio Praetorium, Magnatum, et Procerum, qui sunt de Concilio nostro, ac etiam Ordinavimus et Statuimus, pro Nobis, et Hæredibus nostris, quod nullus Judæus. liberum Tenementum habeat in Maneriis,

[D]

Terris,

N° 32.  
Claus. 5. H. 53.  
3. pars 1. m. 30.  
dors, and Pat.  
53 H. 3 m. 25.  
dors.

N° 33.

Terris, Tenementis, Feodis, Redditibus, vel Tenuris, quibus-  
cunque, per Cartam, Donum, Feofamentum, Confirmationem,  
seu quamcunque aliam Obligationem, seu quocunque alio modo.

Ita tamen quod Domos suas, quas ipsumet inhabitant in Civi-  
tatis, Burgis, seu aliis Villis, inhabitent, de cætero, et eas  
habeant, sicut habere consueverint, temporibus retroactis. Et  
etiam alias Domos suas, quas locandas habebunt, licite locare  
possint, *Judæis* tantum, et non *Christianis*.

Ita tamen quod non liceat *Judæis* nostris *London'* plures Do-  
mos quam nunc habeant emere, sive quocunque alio modo per-  
quirere, in Civitate nostra *London'*: per quod Ecclesiæ Parochia-  
les ejusdem Civitatis, vel Rectores earundem, Jacturam incur-  
rant. Poterunt tamen iidem *Judæi*, *London*. Domos et Ædi-  
ficia sua, antiqua, prius diruta, et destructa, reparare, et in  
Statutum pristinum redigere, ad Voluntatem suam.

*Providimus* etiam, et *Statuimus*, de eodem Concilio nostro,  
quod de Domibus suis prædictis, inhabitand' vel locand' ut præ-  
dictum est, nullus *Judæus* placitet, vel placitare possit, per Bre-  
via nostra Originalia de *Cancellaria*, sed tantum coram *Justicia-  
riis nostris* ad *Custodiā* *Judæorum* assignatis, per Brevia *Juda-  
ifni* consueta, et hactenus usitata.

De Terris autem et Tenuris de quibus *Judæi*, ante præsens  
Statutum, Feofati fuerunt, et quas nunc tenent, volumus quod  
hujusmodi Infeodationes et Dona, penitus adnullentur: Et Ter-  
ræ, et Tenementa illa, *Christianis*, qui sibi ea dimiserint, re-  
maneant. Ita tamen quod *Christiani* satisfaciant ipsis *Judæis*, de  
Pecunia, seu Catallo, contenta in Cartis, et Chyrographis suis,  
sine *Usura*, quod *Judæi* pro hujusmodi Dono, vel Feodatione,  
dederint *Christianis*. Hac etiam adjecta Conditione, ut si *Chris-  
tiani* illi, *incontinenter*, inde satisfacere non possint, Liceat  
*Judæis* prædictis Tenementa illa aliis *Christianis* dimittere, donec  
inde, per rationabilem Extentam, secundum verum Valorem  
eorundem, Catalla sua, sine *Usura*, levari possint. Salvo tamen  
*Christianis* illis herbergagio \* suo. Ita quod *Judæus* Pecuniam,  
seu Catalogum suum, per manus *Christianorum*, et non *Judæorum*,  
inde recipiat, sicut prædictum est.

Et si contingat *Judæum* aliquod Feofamentum, à modo, reci-  
pere, à quovis *Christiano*, de aliquo Feodo, seu Tenemento,  
contra præsens Statutum, *Judæus* ipse dictum Tenementum, seu  
Feodum, penitus amittat; et in manum Nostram capiatur, et  
salvo Custodiatur; et *Christiani* illi, vel eorum Hæredes, Terram  
vel Tenementum illud, de Manu nostra rehabeant.

Ita.

\* Lodging.

Ita tamen quod totam Pecuniam, quam ab ipsis *Judæis* pro hujusmodi Feofamento receperint, nobis tunc solvant. Vei si eorum Facultates ad hoc non sufficient, tunc verum valorem *Tenementorum*, seu *Feodorum* illorum, Nobis, et Hæredibus nostris annuatim reddant, ad *Scaccarium nostrum*, per veram et rationabilem Extentam eorundem, donec de hujusmodi Pecunia, seu Catalogo, Nobis plene fuerit satisfactum.

De *Nutricibus* autem parvolorum, *Pistoribus*, et *Braisiatoribus*, et *Cocis Judæorum*, quia *Judæi*, et *Christiani*, in cultu Fidei disparens sint, Providimus, et Statuimus, quod nullus *Christianus*, vel *Christianæ*, eis ministrari præsumat in Ministeriis prædictis. Et quia *Judæi* quosdam Redditus, de Terris et *Tenementis Christianorum*, tanquam perpetuos, dudum recipere solent, per Manus *Christianorum*, qui etiam Feoda dicebantur; Volumus, et Statuimus, quod Statutum tunc inde per nos factum, Firmitatis robor obtineat; nec ei per præsens Statutum in aliquo derogetur. Et ideo Vobis præcipimus, firmiter injungentes, quod Provisionem, Ordinationem, et Statutum prædictum, publice, per totum Ballivam vestram, Clamari, et firmiter teneri, & observari, faciatis.

In cuius, &c. Teste Rege apud Westm. 25 die Julii, Anno 55. Eodem modo Mandatum est singulis Vicecomitibus per Angl. T. ut supra.

Ostensum est Regi, ex parte Isaac de Cantuar' *Judæi*, quod cum emerit de abbe Sancti Augustini Cantuar' quandam domum in Cantuaria, quæ fuit *Augustini conversi*, et quam idem *Augustinus*, postquam se converterat, dederat prædictæ domui Sancti Augustini, Chera *Judæa*, quæ fuit uxor prædicti *Augustini*, petit versus prædictum Isaac dotem suam de domo prædicta. Quia vero contra justitiam est, quod ipsa Chera dotem petat, vel habeat, de tenemento quod fuit ipsius viri sui, ex quo in conversione sua noluit ei adhærere, et cum eo converti, mandatum est Justiciar' ad custodiā *Judæorum* assignat', &c. quod si ita est, de cætero placitum inde non teneant. T. R. apud Cant. 5 die Aprilis.

Nº 34.  
Claus. 18 H. 3.  
m. 17. dorso.



